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MICHIGAN WILDERNESS ACT OF 1986, GEORGIA WILDERNESS ACT OF 1986, AND THE TEXAS WILDERNESS ACT AMENDMENTS OF 1986

HEARING

BEFORE THE

SUBCOMMITTEE ON AGRICULTURAL RESEARCH,
CONSERVATION, FORESTRY, AND
GENERAL LEGISLATION

OF THE

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY
UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON

S. 1767, S. 2838, AND S. 2563

OCTOBER 2, 1986

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MICHIGAN WILDERNESS ACT OF 1986, GEORGIA WILDERNESS ACT OF 1986, AND THE TEXAS WILDERNESS ACT AMENDMENTS OF 1986

THURSDAY, OCTOBER 2, 1986

U.S. SENATE, SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY, AND GENERAL LEGISLATION OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:35 a.m., in room 332-A, Russell Senate Office Building, Hon. Mitch McConnell presiding.

Present: Senators McConnell and Zorinsky.

STATEMENT OF HON. MITCH McCONNELL, A U.S. SENATOR FROM KENTUCKY

Senator McCONNELL. As you may have heard, we have a real time bind this morning. I have to be in Judiciary at 10 and I want to accommodate Senators Levin and Riegle who are here and also Congressman Kildee. So gentlemen, if you would like to go ahead.

Also, before we get started I have an opening statement which will be included in the record, we also have statements from the distinguished senior Senator from Texas, Mr. Bentsen and from the Timber Producers Association of Michigan and Wisconsin.[1]

Senator Riegle if you would like to proceed please do so.

Senator RIEGLE. Mr. Chairman, I appreciate your calling on me first. I am going to defer initially to my colleague, Senator Levin, as his bill is the bill before committee and I think it is appropriate that he speak first.

Senator McCONNELL. Senator Levin.

STATEMENT OF HON. CARL LEVIN, A U.S. SENATOR FROM MICHIGAN

Senator LEVIN. Thank you, Mr. Chairman, and we particularly are appreciative of your willingness to take some time in this incredibly busy end of a session to do this. It represents a total commitment to duty on your part and we are deeply appreciative of it.

This bill would designate about 81,000 acres in nine separate tracts in Michigan, slightly less than 3 percent of our national forest area. We have about 2.8 million acres in our four national forests and this bill would designate a little bit less than 3 percent which constitutes significantly less than the national average for wilderness designation of national forest land. The national average of wilderness to forest lands, the proportion in ratio is a little bit over 16 percent. So this is a modest amount of existing national forest land which would be designated as wilderness.

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[1] See p. 39 for the prepared statement of Senator McConnell, p. 40 for the prepared statement of Senator Bentsen, and p. 41 for the statement from the Timber Producers Association.

My bill would designate two fewer tracts than the House bill which Congressman Kildee introduced and which passed the House of Representatives. Their bill, I believe, has 11 tracts; we have 9 tracts in ours.

We believe it will have no negative impact on economic development. The bill includes the conditions which have been proposed by the Michigan Forest Products Industry Development Council. The council has endorsed this bill and I would like to submit for the record the copy of their endorsement. I should not say they have endorsed this bill. They have endorsed the concept of wilderness in Michigan and their exact statement for your consideration I would like to make part of the record.

Senator McConnell. We will consider that in the record.

Senator Levin. In addition, we would like to insert for the record the letter from Mead Paper Co. supporting wilderness and a letter from the Governor of Michigan. The Governor has said the following is to meet some of the concerns that we do have for development in Michigan and that the recent endorsement of the State Forest Products Industry Development Council for Michigan's Federal wilderness legislation should reinforce this conclusion that the wilderness legislation will have no adverse effect on this industry or on others important to northern Michigan.

In addition, to address the concerns of some that wilderness designation might result in more stringent air quality standards in northern Michigan, I have plainly stated that I will not seek the redesignation of the areas under the Clean Air Act's Prevention of Significant Deterioration Program.

I ask that both his letter to me and a recent letter to Senator Helms supporting this wilderness legislation and making reference to the Forest Products Industry Council's support of wilderness legislation also be made part of the record.

Senator McConnell. All of those documents will be included, Senator Levin.[2]

Senator Levin. Thank you.

Mr. Chairman, a couple other very quick points, because we know that your time is limited. We have protected economic development in this bill and the law in a number of ways. No. 1, the bill would release the remaining roadless acreage from multiple use. That is very important. We want to get this wilderness issue behind us. If we do not designate this as wilderness, it does not mean that it will not be administered as wilderness. It will continue to be; the pot will continue to boil; and we believe we want to get this issue behind us and that this is a reasonable balanced way to get this issue behind us. So this bill would release the remaining roadless acreage from multiple use

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[2] The above-referred to documents, as of press release, have not been received by the subcommittee.

This bill would direct the Department of Agriculture not to conduct any separate statewide surveys of roadless areas that could lead to further wilderness designation to bring some stability and conclusiveness to this process so that people do not feel they are facing continually the designation of wilderness.

We also have in this bill assurance from the Governor as I indicated that there will be no attempt to change air quality standards. The bill authorizes fire, insect, and disease control within the wilderness areas. There has been a real concern of people that the bill specifies that the rights of in-holders will be protected so that there will be no danger of condemnation.

The bill prohibits creation of so-called buffer zones and the bill also preserves the State's jurisdiction over fish and wildlife activities, allows hunting, fishing, and trapping in these wilderness areas.

So we believe that this is a balanced bill and we would hope that the committee would be able to mark up this bill and to make it possible for the bill to pass in this session of the Congress.

One last comment. I understand that the Forest Service will be testifying later generally in support of the bill, but opposing the designation of Nordhouse Dunes, which is one of the areas in the bill. We have talked to the people at that forest and the people who manage that forest and their planner this morning told me that they personally support wilderness designation for the Nordhouse Dunes. For that to be dropped out of this bill would be a significant gap in this effort. This has been a balanced effort which we have worked very hard with various groups to seek some kind of a compromise. This is a compromise bill. And to eliminate that what critical areas—the only area, may I say, in the lower peninsula of Michigan which would be designated as wilderness—to remove that from wilderness designation would be to keep the pot boiling rather than to resolve this issue.

There are some folks here from Michigan who will be testifying, who are the mineral holders who hold the mineral rights, who have some concerns about their rights in the Nordhouse Dunes and I would make reference to the House committee report in this regard which sets forth a number of protections for those holders of mineral rights. We protect those holders. We are not taking their rights. They are protected in the House bill and in our bill. I would particularly urge upon this committee that it adopt by reference pages 4 and 5 of the House committee report which sets forth the protection for the in-holders in the Nordhouse Dunes area and the very sensitive way in which they analyze the commercial potential and how it would be protected consistent with a wilderness designation.

This would not be the first time that there would be a wilderness designation of an area where there was oil and gas. It is not the first time. This committee has done this before and I believe that the House committee language sets forth a very sensitive and, at least, a very explicit effort to make sure that production could take, but consistent with the designation of this absolutely critical area in the Lower Peninsula as wilderness.

Again I want to thank the chairman for taking the time this morning.

Senator McConnell. Thank you very much, Senator Levin. Senator Riegle.

Senator Riegle. Thank you, Mr. Chairman.

I know you must leave at 10 or thereabouts and we appreciate your willingness to conduct this hearing. I would hope that if you must leave we could allow those that have come to make statements to do so to a senior staff member.

Senator McConnell. Yes, we are going to complete the hearing. Someone will be presiding.

STATEMENT OF HON. DONALD W. RIEGLE, JR., A U.S. SENATOR FROM MICHIGAN

Senator Riegle. Very good. Thank you.

Mr. Chairman, I think it is important that we have this hearing today. I am not a supporter of the legislation and I want to indicate why.

I think it is important that all points of view be heard. We are about to receive the Federal forest plans in an official form. They are not yet officially available. They are at the printer. Those plans will set forth recommendations with respect to these areas in question for which some are seeking a permanent wilderness designation as well as the overall management plans for the remainder of the Federal forest lands in Michigan.

So, in a sense, these documents are very important, because they are the official recommendation and planning documents that look ahead for at least the next 10 years with respect to these forest lands.

I think it is important to understand that the bulk of the land areas that we are talking about here are in the Upper Peninsula of Michigan. It is an area that is remarkably beautiful. The people that live there are equally beautiful. They are very careful stewards of the land and in a very substantial manner, they live there because they love the land and so they pay very careful attention to how it is managed and how it is cared for. I think the fact that there is substantial opposition to the permanent wilderness designations in the Upper Peninsula is significant.

The unemployment levels in the Upper Peninsula run substantially higher than they do in the rest of the State. They are about 14 percent at the present time, but there are counties where the unemployment rate is substantially higher than that. Many people, nevertheless, elect to live there with, if you will, a less attractive economic job opportunity situation because of the natural beauty and this is why I think we have seen so much care exercised by UP citizens in terms of looking out for the careful management of the land resources there whether held in public or private hands.

It is also important to note, and I want to state for the record, that we have an enormous amount of public land now in our State of Michigan devoted to either wilderness status and activity or to other kinds of recreational activity. At present, we have 155,000 acres of federally designated wilderness that will remain forever by Federal law. The State of Michigan has also established another 53,000 acres of State lands that are wilderness, wild, and natural areas. And we know from the plan of the Forest Service that are at the printer that it is their intention to maintain all of the areas contained in Senator Levin's bill in a managed wilderness status whether or not a permanent wilderness designation is to be applied to it at this time.

So if all of those land areas are combined, that gives us a total of roughly 316,000 acres across the State of Michigan. They are found in 31 different locations in both the Upper and Lower Peninsulas of the State. So we have, I think, a very substantial amount of land now in a wilderness type status and remaining so into the future.

In addition to that, it is important to recognize—and I have a very hard time getting this fact out to the public although to me it is one of the most important facts—that at the present time in our State we have 3½ million acres of Federal parks and forests. The State of Michigan has 4⅓ million acres in parks, forest, and recreation areas. That means that if you combine the Federal and State park land areas in the State of Michigan, they total over 20 percent of the entire land area of the State. I view that as a great blessing. We are a State that is very richly endowed with beautiful areas.

So, I think that is the context in which we have to now consider the question of whether the permanent wilderness designations are the best step for us to take at this point with respect to the overall land resources that we have in a public fashion available to the citizens of our State.

Now, I want to just make one or two points and I will be brief in doing so. The Forest Service intention now is to manage the land areas in the Upper Peninsula as wilderness and, in so doing, I find it very hard to understand exactly what the gain is by going to the permanent status, because the lands are going to be managed in a wilderness status whether any legislation passes here or not.

The people on the other side of this issue and I have had a chance to talk to people on all sides of this issue, make the point that they would like to see some measure of flexibility here so that in the future if some adjustments are needed with respect to other factors that have to be weighed in the area—whether there is the judgment to manage part of these areas in a fashion where pathways might be put in or something might be done in a very limited way to facilitate public access so people could get in more readily, not just those that are hale and hearty and can come in just because of their own personal strength, but that would be more broadly available. These are the kinds of things that are possible if we maintain the ability to manage the lands as wilderness rather than to have the permanent designation which is far more restrictive and I think questionable.

Now there will be people on both sides of this issue and I do not think this is an issue where all the virtue is on one side. I think you have reasonable people on both sides of the matter. I think what is important in the end is that the lands be wisely managed and wisely protected. In either case, they will be. So if anyone were to have the impression that somehow these lands will be misused in the absence of a pernanent designation of wilderness, I think that is just out and out false. I think that is untrue and ought to be dispelled at the outset.

So having said that, Mr. Chairman, I am very anxious to hear what all of the witnesses who are here today have to say and also to read carefully the statements of the various parties of interest that have sent statements to us.

Senator McConnell. Thank you, Senator Riegle.

Congressman Kildee.

STATEMENT OF HON. DALE E. KILDEE, A REPRESENTATIVE IN CONGRESS FROM THE SEVENTH DISTRICT OF MICHIGAN

Mr. Kildee. Thank you very much, Mr. Chairman.

I will be brief also. I have to get back to the House floor to defend a bill over there. I know the Senate is also very busy.

I would like to respond to some statements made very sincerely and held very dearly. The Forest Service is intending to deal with these lands in a way that I would find no objections to at this time. But, Mr. Chairman, the Congress is the board of directors for this Government. We are the ones who set the policy. That policy should not be set or changed at the whim of some unelected officials, as competent as they may be over there. We are the policy-making board of the Government. We have lands up there that I think really need policy to protect and not be subjected to a changed attitude or even a changed whim in the executive branch of Government. So I introduced this bill to make sure that we, the Congress, set wilderness policy. We directed ourselves a few years ago to look at these areas and determine what the policy should be for those areas. This bill, H.R. 148, drafted by myself, and a bill drafted by Senator Levin, tries to set that policy in a very reasonable way.

My bill was sensitive to the concerns of people in the area. I went to the Upper Peninsula of Michigan, spent a whole day of hearings and tours from 7 in the morning to about 8 at night, heard all the feelings strongly expressed, and was sensitive to those feelings. I may say, however, that Senator Levin's bill is even more sensitive to those feelings and I concur with the way he has expressed those sensitivities in his bill and have no objections to them at all.

We agree, Senator Levin and I, on nine areas. There are two areas on which we disagree.

Senator Levin. Two areas we do not agree on.

Mr. Kildee. Two areas we do not agree on. I will count them later, whatever that may be. I will talk of only one and we will do the arithmetic later.

We will talk of Delirium. His bill does not include this area; my bill does. I think we could reach a compromise. One of the problems with Delirium is that there is a manmade pond there. For myself I want the pond maintained, because it does help support, flora and fauna in that area. We could redraw the boundaries of Delirium to exclude Sylvester Dam and pond, as well as the road leading up to it. I have no objections to a prudent redrawing of the boundary lines there and I will be glad to work with the committee to see how that could be done. I think it could be done in a half hour's time, redrawing those boundary lines, and still meet the objectives of maintaining an area that is really very primitive and still keep that dam there. So, I would be glad to work with the committee on that.

Just in summary, if indeed the Forest Service has changed its mind as to whether the Nordhouse Dunes in the Lower Peninsula should receive wilderness designation that really makes my case. If the Forest Service can change their minds overnight, then there is an obvious need for congressional action. They are the ones to whom we are entrusting these wilderness areas. I have visited the Forest Service personnel in Michigan. They are well liked and respected in Michigan. But they are not elected officials and they can change their minds. I think that we should set the policy to make sure that we have a consistent policy.

Now, we know that nothing in statute is ever cast totally in concrete, but it does afford a degree of certitude. That is why the forest products people in Michigan—these are the people who cut and harvest trees there and form these trees into various commodities—have supported almost unanimously, with only one dissenting vote, these bills. And they have recommended that to the Governor of Michigan. Now, these are the people who are concerned with harvesting timber. I think that strongly indicates that this is a very, very well balanced bill.

I would like to see this Congress, the 99th Congress, conclude our deliberations on this bill. Again, I am ready and my staff is ready to work with you to make any necessary modification to the boundaries of Delirium.

That is all of my statement at this time.

Senator McCONNELL. Thank you, Congressman. I appreciate it.

I note the presence of Senator Zorinsky. Senator Zorinsky, do you have any statement or insert for the record?

Senator ZORINSKY. In the interest of time, I request that my statement be included in the record.[3]

Senator McCONNELL. Without objection, that will be included.

Senator RIEGLE. Mr. Chairman, might I ask also that a letter from Barbara G. Clark be made a part of the record? [4]

Senator McCONNELL. Without objection, that will be included.

Senator RIEGLE. And also if I may add one other point before you call your next witness and that is that I think it is very important that in the context of the discussion of which kind of wilderness designation is apt to used for the lands in question, that we at the same time consider that in conjunction with the remainder of the management plan for the forest lands in Michigan.

I think the uncertainty that has been created as to how all the lands are going to be managed and used, both those in the wilderness category and the others is very, very important in terms of the economic future of the Upper Peninsula, the recreational values that would take and enhance tourism as well as basic job opportunities themselves. When the Forest Service comes, I think it is as important that we understand what is in the remainder of that plan and how these two things relate as it is to simply look at the matter of wilderness, although that is our primary purpose today.

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[3] See p. 39 for the prepared statement of Senator Zorinsky.

[4] See p. 41 for the letter from Ms. Clark with attachment.

Senator McConnell. I want to thank Senators Levin and Riegle and Congressman Kildee for coming.

We will now have Dale Robertson, Associate Chief of the Forest Service of USDA. Mr. Robertson, as I indicated earlier, I must attend a Judiciary Committee meeting at 10. We are just going to continue here and as Senators come in they will preside and hear your testimony. Members of the staff will preside if need be and we will complete this hearing this morning, because I know it is of great importance to all you who have traveled here to testify.

Thank you, Senators and Congressman.

Mr. Robertson. Thank you, Mr. Chairman. If I could have my statement put in the record, I will try to summarize it as briefly as I can.[5]

Senator McConnell. Senators, you are, of course, welcome to stay if you would like.

Yes, Dale, we will include your statement in the record.

Hold up just a minute.

Senator Riegle. I have been asked to sit in and chair the hearing, at least for this period of time which I am quite happy to do. So, let me ask you now to proceed and we would be pleased to have your testimony.

Mr. Robertson. Thank you, Mr. Chairman.

I would like to just summarize my testimony if I could have the entire statement put in the record.

Senator Riegle. Without objection, it will be put in the record.

STATEMENT OF F. DALE ROBERTSON, ASSOCIATE CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. Robertson. The Department of Agriculture recommends enactment of S. 1767, if it is amended. The Michigan Wilderness Act would designate nine wilderness areas for a total of about 82,000 acres. This bill reflects much of the thought that has gone into national forest planning throughout the State of Michigan on our three national forests. It also releases the remaining roadless areas of about 19,000 acres to be managed according to the forest plans.

I would like to just briefly discuss each of the areas and I will first start with the Nordhouse Dunes, which has already received a lot of discussion this morning. S. 1767 would designate 2,830 acres as the Nordhouse Dunes Wilderness. However, our forest plan recommended 3,395 acres for wilderness study.

We have a dilemma with this area. It is a choice area and we believe that it ought to be in wilderness. We just have a problem in that there is a high potential for oil and gas and it is the only proposed wilderness area in this bill in the State of Michigan with a high potential for oil and gas.

It is further complicated by the fact that the Federal Government owns only a small portion of the minerals. Sixty-eight percent of the acres, almost 2,000 acres are privately owned mineral rights. The State of Michigan owns another 675 acres of the minerals. If oil and gas is there and is discovered, we believe the owners of the private mineral rights will almost certainly exercise those rights and if we bought them out, it would be very expensive. It would probably be several million dollars.

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[5] See p. 45 for the prepared statement of Mr. Robertson concerning S. 1767.

So that is the dilemma.

Senator RIEGLE. Do we have a precise estimate as to what it would cost if we were to buy them out?

Mr. ROBERTSON. No, I do not. I have heard one quote as high as $8 million, but you are really dealing with an unknown.

So that is our dilemma due to the potential value of oil and gas which we do not know much about. We oppose wilderness designation at this time. However, it has qualities for wilderness and we recommend that we designate it a wilderness study area. We need to know more about the oil and gas. And this will give us some time to try to determine the extent and the value of the oil and gas resource.

Senator RIEGLE. Let me just as this point ask you a very blunt question. I do not want to delay your testimony. But was this the original recommendation from the Forest Service people in Michigan?

Mr. ROBERTSON. The original recommendation in the forest plan is for wilderness study. In fact, the Eastern Wilderness Act has a specific provision that only Congress can designate wilderness studies. So the Forest Service, because of the peculiarities of the Eastern Wilderness bill has to in our planning, only designates wilderness study.

Senator RIEGLE. Has there been any communication to the Forest Service by OMB on this matter?

Mr. ROBERTSON. Well, all of our testimony and positions of the administration are coordinated through OMB.

Senator RIEGLE. So, has there been, to your knowledge, any direct comment from them on this specific area, the Nordhouse Dunes area?

Mr. ROBERTSON. I do not believe there has been on that particular area.

OMB's concern was primarily the Forest Service's concern when you look at the oil and gas values it is a dilemma with a high quality area for wilderness. We just did not feel comfortable in going forward with wilderness recommendation at this time and foreclosing the potential option of sacrificing a valuable oil and gas resource.

Now we are not saying the oil and gas resources ought to be developed. But we do not believe we ought to be foreclosing that option and making a decision right now.

Senator RIEGLE. Have you heard from the State of Michigan on that particular parcel?

Mr. ROBERTSON. I will have to follow up and find out. I do not know personally if they have.

Senator RIEGLE. Please would you continue?

Mr. ROBERTSON. The next area I will talk about is the Sylvania Tract. We support this area for wilderness. It is a high quality area and we think would make an outstanding addition to the National Wilderness System.

The only point I would like to make on the Sylvania Tract is that we do have three lakes in that area that part of the lakes are outside the wilderness and part are inside the wilderness and we have established motor boat use on those areas. And section 4(d) of the Wilderness Act allows us to continue or permit the continuation of motor boat use in wilderness where it was established prior to the time wilderness was designated by Congress. So if this area is designated as wilderness, it would be our intention to continue to manage and permit the motor boat use on those three lakes as long as it is in keeping with the existing wilderness values out there now.

The Sturgeon River Gorge is an area also that we support for wilderness, but again we would like to make certain changes in the bill. Again we have a dilemma in that a key part of that area, the Sturgeon River Gorge, is owned by a private utility company. They own about 1,900 acres and it is an important part of that proposed wilderness. And when we look at all the priorities we have for our budget on the national forest, the Federal budget deficit that we are all facing, we are very concerned about the potential cost of this acquisition. And so to ensure that there is no direct or implied obligation on the part of the Federal Government to purchase this tract, we recommend that S. 1767 be amended to require that any acquisition of this tract be done through land exchange rather than purchase. And if an exchange proposal cannot be worked out with the utility company, then the land can remain a private tract within the wilderness with reasonable access provided by the Forest Service, as is now required by law and incidently S. 1767 reinforces that we must provide private landowners reasonable access to their property.

Another concern we have with the Sturgeon River Gorge is that the bill recommends a boundary somewhat different from the forest plan. It includes an area in the northwest corner, containing about 600 acres of private land in numerous ownerships. Inclusion of the this area would complicate management of the area unless the private land was acquired. So we are not in favor of adding areas to wilderness which could involve a costly land acquisition program.

There are three other areas where the bill deviates from the forest plan. We would prefer the boundary that is in the forest plan and we particularly object to the addition of the northwest corner which includes 600 acres of private land.

Mr. Chairman, on Rock Creek Canyon, I will summarize and say we support that area. On Big Island Lake, we support that area provided a minor boundary change is made adjacent to the town of Stueben to make it consistent with our forest plan. That is a very minor change. Other than that, we support Big Island Lake. We support the remaining areas in this bill and that is Mackinac, Horseshoe Bay, Round Island, and the McCormick Area.

So in summary, we recommend the bill be amended to designate Nordhouse Dunes as a wilderness study area, that language be added to indicate that the private land in the Sturgeon River Gorge be acquired through land exchange rather than purchase, and that the boundary of the Sturgeon River Gorge and the Big Island Lake follow the recommendations in the forest plan.

Senator RIEGLE. Thank you for your testimony. Let me ask you just a few questions.

The first question I would ask you is this: If legislation were to pass creating the permanent wilderness designations, let's say according to the plan that you recommended, I would like you to describe for us what would follow in terms of the conduct of the Forest Service with respect to the lands? In other words, what would you then in the future do or not do to those lands if they carry the permanent wilderness designation? That is half of the answer.

The other half of the answer that I would like to hear is if there is no legislation, and you have now made the recommendation that these lands be continued in a wilderness status, if there is no designation, I then presume that you would continue to manage them as wilderness. What, again, what would be your management practices and what would go on or not go on with respect to those lands absent the permanent wilderness designation?

Mr. ROBERTSON. To answer your first question is how would management change if this law is passed as designated wilderness?

Senator RIEGLE. Yes.

Mr. ROBERTSON. Basically, these areas have wilderness values now. I mean, that is the reason they are being considered for wilderness. We have been managing them in a way that they qualify for wilderness. And we would not see any big change in the management of those areas if they are designated as wilderness. There are some old logging roads or old roads where there is off road vehicle use and, of course, motorized vehicles are not permitted in wilderness. We would close some of those roads. Perhaps make some trails out of them. And other than that, we would just not schedule any kind of activity in there that would interfere with nature or the wilderness values of the area.

If this bill does not pass or some other bill does not pass we periodically prepare forest plans under the National Forest Management Act, which we have just completed the first generation of those plans in Michigan. The National Forest Management Act says that we will replan these areas every 10 to 15 years. So what we have is a first generation plan which our conclusion is that these areas that we have recommended for wilderness or wilderness study should be managed to maintain their wilderness characteristics until Congress makes a decision. Now should Congress not make a decision or make a decision that they should not be wilderness, then that puts us in the position of replanning these areas and figure out how we would manage them differently.

It is likely that many of these areas would continue to be managed pretty much in a semi-primitive stage, but it does not foreclose the option if we have some productive timberland or other values there that we might in the next round of planning look at all of the values and determine how we would manage it for the next 10 to 15 years.

Senator RIEGLE. So, if I am hearing you and understanding you properly, I take that if there is no permanent wilderness designation legislated into place now, your plan which stretches out for the next 10 to 15 years, your intention in what that plan would call for is for you to continue to maintain these areas in a wilderness status. Is that right?

Mr. ROBERTSON. I would say we will maintain those areas in a wilderness status until either next 10 to 15 years and the new planning comes up, or if Congress makes a decision one way or the other. If you made a definite decision not go wilderness, we might at that point, trigger a replanning effort on those areas to see if we would manage them any differently.

Senator RIEGLE. So, if the Congress were not to take an official action, it is now the intention of the Forest Service to maintain these lands in wilderness for at least the next 10 or 15 years?

Mr. ROBERTSON. I would say that is true with the possibility that we might trigger replanning if Congress made a definite decision that it was not to go into wilderness.

Senator RIEGLE. Yes, but I am ruling that out. I am saying if the Congress does not act, it would be your intention to keep these in a wilderness status for the next 10 to 15 years. Is that right?

Mr. ROBERTSON. The purpose of this plan is to give Congress an opportunity to review it and for Congress to make a decision. And we will retain the status quo on that.

Senator RIEGLE. Now, I am not sure that we are more able to make those judgments than are you and your planning process. And I do not mean you by yourself, because the planning process is much bigger than that. I know in constructing this plan, how many meetings would have been held, for example, with people in the Upper Peninsula or the area in the down State area or other interested parties? Can you give any sense for how much public input there has been as you have been crafting this plan?

Mr. ROBERTSON. I can answer that question in general on forest plans and I would say there would probably be numerous public meetings on forest plans and then maybe hundreds of meetings with small groups or individuals that have an interest. So it is a rather comprehensive public involvement process.

Senator RIEGLE. The reason I asked that question, is that I think a few years ago, there was feeling on the part of many people—environmentalists and other concerned citizens—that the Forest Service was oftentimes heavy-handed and sort of unilateral in their thoughts and processes a lot of the times and I think what has happened in recent years is that has changed very dramatically and the public has become very active. I think the very forceful development of a number of environmental groups has been a very constructive aspect in that in addition to other groups. And I think today there is a very active process. I think that these issues have been very widely discussed and debated particularly in the Upper Peninsula. People from all points of view, I think, have been very active in stating those points of view, but they have been able to work directly with you. In other words, you have been in meetings together and I take it that your plans here reflect in very large measure a composite of opinion along with your own professional opinion, but a large measure of the public's comment and opinion that you received along the way. Is that correct?

Mr. ROBERTSON. Yes. You described the process extremely well.

Senator RIEGLE. I think it is important that the public know that, because I think to people who live long distances away from the areas in question, there is the feeling somehow that if something is not done, these areas are going to be destroyed. First of all, that is not true. The areas are going to be maintained at least for the next 10 or 15 years virtually the same as they will be if there is permanent wilderness designation made to it. But secondly, the public has been very actively involved in the formulation of this plan. This is not a plan that is coming down from top of a mountain somewhere. This is a plan that has come now over a period of years and active involvement by people. And so that your judgment here is a composite judgment. It is a judgment of the Forest Service taking into account public comment on any number of dozens and hundreds of occasions. Is that a fair statement?

Mr. **Robertson**. Yes, it is a mixture of public concerns, public comments, and judgments on the part of the Forest Service.

Senator **Riegle**. That has a great bearing on my thinking, because if I felt that these lands were in jeopardy and something was going to happen to them and we were facing the risk that these lands were going to be destroyed or ruined or substantially changed, I would have quite a different feeling than the feeling that I presently have. I would feel that there might be a need for a congressional intervention to prevent that and I might go further and say this to you that if in the future I felt that we were running a risk where areas like these which are unique and special, they are, for the most part, not pristine. These are areas that have been changed over a period of years. Some have been logged as you well know. So we are not talking about areas that are in a form where they were since the beginning of time. These are areas that, in most instances, have had things done to them over a period of time. There is also confusion about that point.

If I felt that we were facing a situation where these lands were in jeopardy, it would be my view that the Congress ought to intervene and I would be part of an effort to intervene. I do not quite know what form that takes. It would depend upon the nature of the threat that was there. But I am not seeing a threat. What I am hearing you say is that it is your intention to manage these areas as wilderness in either case. If you have the designation then the law mandates it; absent that, you are going to do it anyway because that is your best judgement as to how it ought to be done. Is that a fair statement?

Mr. **Robertson**. Well, we need to put that in a sequence of time.

Senator **Riegle**. I understand.

Mr. **Robertson**. That is a fair statement, perhaps, for the next 10 years.

Senator **Riegle**. The next 10 years. Fair enough. I should have inserted that. We have said that before, but let's say it again now.

Mr. **Robertson**. I would also like to point out though, Mr. Chairman, that there are other roadless areas in Michigan. In fact, about 20,000 acres that are also tied up in controversy. We need to settle that and free up those acres for management under our forest plan.

Senator **Riegle**. I think that is a very important point. Do you want to elaborate on that?

Mr. **Robertson**. Back in the RARE II process where we took a nationwide approach to try and determine which areas ought to be designated as wilderness, we looked at all the roadless areas in the country and tried to determine the ones that we would recommend for wilderness, ones that we thought ought to be managed for multiple use, and then there were some in the middle category like Nordhouse Dunes where there was some conflicting information. We put it in further planning. That process worked great until the State of California took us to court. We had a ninth circuit decision that Environmental Impact Statement was not adequate in terms of having specifics on individual roadless areas. So that really caused a lot of confusion and put constraints on how we could manage these roadless areas that we had previously determined should be available for multiple use management. And there is still a kind of cloud which hangs over those areas until Congress takes action and releases those areas congressionally.

This bill does have that release language which is very very important to us.

Senator RIEGLE. Could a bill be filed that could release those lands irrespective of whether permanent wilderness designation is attached to the others?

Mr. ROBERTSON. Yes.

Senator RIEGLE. It seems to me if we were not to have a permanent wilderness designation at this time, that we ought at a minimum have the release for the other lands. Would that be?

Mr. ROBERTSON. Yes, that would be helpful.

Senator RIEGLE. Am I correct in understanding that we have some campgrounds now in the Hiawatha Forest that are being closed because there is not enough demand for the use of those areas?

Mr. ROBERTSON. Mr. Chairman, I do not have knowledge of that situation. I would be happy to check it out and put it in the record.

Senator RIEGLE. I have been told that. I do not know whether it is accurate or not. Is there anybody from the Forest Service who would be able to provide that answer that is in the room?

Mr. STEPHAN. We are not closing whole campgrounds. We are closing individual sites because of low usage.

Senator RIEGLE. So then we are finding that in some campground areas in the Hiawatha Forest low use is causing the Forest Service to decide to close some of those areas? That is, in effect, what I heard you say, and I wanted to say it so it could be put into the record. Is that a fair summary.

Mr. STEPHAN. It is both the low use and the cost of maintaining the campgrounds, yes.

Mr. ROBERTSON. The budget enters as a factor here in that we are trying to reduce our costs in some areas where we have low use or high costs. We have been closing campgrounds or, in some cases, reducing the season of use.

Senator RIEGLE. You see, from the point of view of Michigan and the Upper Peninsula, we very much want to want increase use of the public lands. We want to attract more people from within our State and outside our State to come and enjoy these resources and to see Michigan and particularly northern Michigan as a special area to come as tourists and to visit and to enjoy the recreational opportunities. So we want to see those services maintained. I mean it is one thing if you are shutting down campgrounds because people are not coming, it is another thing if you are shutting them down because you are being squeezed with a smaller and smaller budget. And I would hope that you would be fighting for more budget authority if it is the budget reason as to why you are closing these campgrounds.

Mr. ROBERTSON. Yes. Recreation is high priority to us. Recreation is big business and we share those views that the national forests are there for recreation use and we want them to be used for recreation. That is one reason we are taking such a hard line on land acquisition. We have to look at our bottomline dollars available to run the Forest Service and when we see proposals with multimillion dollars going into land acquisition, which really comes out of our pocket to do recreation work or land management, there is not much debate in our minds of where our priorities lie. It is not in land acquisition.

Senator RIEGLE. I have just one other question for you at this time and that is in a wilderness area, whether it is an area you are managing as wilderness or whether it carries the permanent wilderness designation, what are the ground rules by which you make that area accessible to people? Now obviously you do not put roads in because that is one of the whole purposes of maintaining it as a wilderness to keep motor vehicles out. But with respect to access to spectacular features that might be quite some distance inside a wilderness area whether it is whichever status we call the wilderness, where somebody who is hale and hardy and able-bodied can get in because of their interest, what do you do to and what are you allowed to do and what is your practice with respect to making it possible for others to get in? People who maybe are not quite that strong and able-bodied and so forth. What latitude do you have? What are your practices that way in terms of making sure that a broader number of people actually have ways to get in and see some of these very spectacular sights?

Mr. ROBERTSON. Wilderness limits your options on that. We can build trails, no roads and no motorized vehicles. So people have to walk into it and we can put in a very good trail to make it as easy as practical.

Senator RIEGLE. Do you have rules with respect to those trails as to how wide they can be or how long they can be or what governs your ability to put a trail in?

Mr. ROBERTSON. Well, there is really nothing. Just primarily the terrain in this area is relatively flat. It is no big problem in building trails in that country. So it is a matter of looking at the use, how many people, and what is the standard of trail that you built. We are very concerned about trail construction in fragile country or steep country. It has to lay on the land right to avoid erosion and environmental damage. So that is all taken into account and it is a site specific determination that is made by our local people.

Senator RIEGLE. And if just as a followup to that. With respect to the land areas in question now in Michigan, have you put pathways into those areas and, if so, to what extent?

Mr. ROBERTSON. I would have to give you information later on the extent to which we have trails and access, but we do have quite a few trails in these areas and a lot of areas as you pointed out were logged over around the turn of the century and there are some old logging roads in there some of which are used for hiking trails and for off road vehicles. We would probably convert a lot of those old roads to hiking trails if they were in the right place.

Senator **Riegle**. I am wondering if anybody here from the Forest Service could tell us what in the way of trails have been added say in the last 2, 3, 4 years in any of these areas that we are considering now for wilderness.

Mr. **Stephan**. There has been no added trails in these areas. They were logged over at the turn of the century and there are plenty of old roads that can be used to hike in the areas.

Senator **Riegle**. So no paths have been in any of the areas of these areas at the present time or over the last few years. Is that a fair statement?

Mr. **Somerville**. Ottawa National Forest. There have been no new trails in the Ottawa National Forest in the past few years into any of those areas.

Senator **Riegle**. Now, I recall in visiting these lands and I do not have my notes in front of me in terms of one of these. We hiked in some distance and went up to a beautiful gorge. If there are areas like that in which there are not old logging paths or roads that are scenes of great natural beauty, I mean, just sort of breathtaking scenes, is it normally your practice in areas that like that to put a path in so that people can find these things. I mean, it seems to me that the idea is to maximize the number of the people who have the chance to enjoy these things without ruining the area. Would you be intending to do that under either instance in any of these areas.

Mr. **Robertson**. In general, yes. What we do is prepare a wilderness management plan for each area and a big part of that is looking at access, for parking and trail heads around the perimeter. So eventually we would have a management plan for each wilderness area specifically looking at access and other factors and then as funding became available, we would construct the trails or trail heads based on some priority.

Now one thing that we are doing and I would hope the people of Michigan would pick up on is most places in the Forest Service we are now getting trails built and maintained through volunteers. There are areas of the country where practically all the trails are being maintained and many miles built through volunteers and it would be my hope that the people of Michigan would work with the Forest Service and lend us some help in building trails and maintaining them.

Senator **Riegle**. Just one other thing occurs to me and then this will be my last question to you. And I appreciate your testimony and comments.

If no permanent designation is made at this time, you have stated for the record that it is the intention of the Forest Service to manage these lands as wilderness for this planning period that runs 10 to 15 years into the future. Let's say that happens and we get 10 or 15 years into the future. We are approaching the turn of the century and at that point it seems to me it is a fair question for people to ask and wonder about now, particularly those who have the strongest feeling about wanting to put these lands in a permanent status so that they just cannot ever be altered. At that time, I assume that what would happen is that you would go through what you have gone through this time. You would go through a replanning effort.

Mr. **Robertson**. A replanning effort.

Senator **Riegle**. You would go through a replanning effort and it would be done presumably on the same basis. In other words, you would go out, there would be broad public comment, people would come in, indicate what they feel, and so forth. In my mind, I would think that if just trying to move ourselves forward in time, that at that time we would have had the opportunity to see these areas maintained as wilderness for next decade and that would be looking back to the present time from 10 years hence that we would have seen these lands managed as wilderness over that 10 year period of time. The Forest Service would make its own professional assessment as to what should happen to areas and other areas. You would go out. You would receive public comment. You would get public comment. And, in a sense, you would do what you have done this time. You would reach some kind of a composite view. You would reach some kind of a consensus opinion as to what should be the plan for the next 10 years. Is that correct? Is that basically would happen?

Mr. **Robertson**. Yes, but that puts us in a difficult situation. We have gone through the planning process and we have made our best judgments now, including the consideration of public comments from the people of Michigan and at some point we would like to resolve the issue and not continue to keep going through the replanning process. And then, as well, release these other roadless areas that we are not recommending for wilderness. So it just kind of keeps us hanging. It continues the debate on these areas.

Senator **Riegle**. It continues the debate. It keeps you busy. It keeps you on your toes. It keeps us all on our toes and I know sometimes it is easier to, or it may appear easier, to freeze things in place and that is what permanent designation does. It freezes it for all time as the law stands now. I think what a number of people, we are going to hear from both sides. But what a number of people in the Upper Peninsula who live near and adjacent to these areas and who love these areas, who use these areas probably more than anybody does and that is one of the reasons they live in the Upper Peninsula is to do so. What I hear from them in terms of a substantial majority opinion in my judgment is that they think there is a virtue in being able to weigh these things as time passes to maintain the flexibility. Flexibility does not mean rape and ruin as we have already established here. It is a very fine line that exists between managing an area as wilderness and designating it as wilderness on a permanent basis. Where the line that is the center of that fine line, it seems to me, is that it allows some flexibility in terms of being able to make a judgment now, make a judgment 10 years from now, make a judgment 20 years from now, make a judgment 30 years from now, and to have the opportunity to see how that is working, to adjust the policies here there if we think they are needed with a very active and visible public component to that.

That is sort of the way democracy works. We do not make election decisions forever. We make them periodically and we do it for a lot of reasons. But one is that times change and thinking changes and we like to have the flexibility to be able to adjust to changing circumstances. So, in any event, I think that is where a lot of the balance lies here in terms of the feeling in the matter. I do not find anybody, at least I have not anybody yet, that wants to come in and destroy these areas. I mean that is not the issue although I think there is a sort of latent concern by those who have not focused on this that maybe that is the alternative that if a permanent designation does not come, somehow the areas disappear or are destroyed. That cannot happen and will not happen. I think that the guardians against that of which I consider myself one are determined to see that that does not happen.

In any event, I appreciate your testimony and I am going to ask for the record that you elaborate on the forest management plan for the nonwilderness areas. In the interest of time, I am going to draw you out on that now, but I think it is important and I will give you some specific questions for the record that will bring into sharper focus the other areas of the forest management plan that is about to be made public that deal with the remaining forest lands and some areas of controversy that may arise there that I think are awfully important as well.

Senator LEVIN. I am here really as a witness and an advocate. I do not want to blur that distinction, but I would like to ask Mr. Robertson some questions.

Senator RIEGLE. Come up to the table.

Senator LEVIN. Let me just stand here. I take it the Forest Service is supporting eight out of the nine with a few boundary changes is what that amounts to—eight out of the nine areas in my bill?

Mr. ROBERTSON. Yes.

Senator LEVIN. With those couple boundary changes which you mentioned?

Mr. ROBERTSON. Yes, and then the Nordhouse Dunes was a wilderness study.

Senator LEVIN. That is the ninth. Is that right?

Mr. ROBERTSON. Yes.

Senator LEVIN. Except for Nordhouse Dunes, you recommend wilderness designation in law for the other eight with a few boundary changes?

Mr. ROBERTSON. That is correct.

Senator LEVIN. You are doing that, I presume, because we have a legal process to designate wilderness in this country which most States have now followed?

Mr. ROBERTSON. That is right and it is the 1964 Wilderness Act where Congress decided that they would make that decision. Prior to 1964, the Secretary of Agriculture made it, but now it is a congressional decision.

Senator LEVIN. So the Congress decided we are going to designate wilderness based on recommendations and studies of the Forest Service?

Mr. ROBERTSON. That is correct.

Senator LEVIN. Do you know how many States now have completed this process?

Mr. ROBERTSON. The bulk of them have. We have Montana, Idaho, Nevada, Michigan, Georgia, and Tennessee left and a couple of other States.

Senator LEVIN. Forty or more States finished the process?

Mr. ROBERTSON. Yes.

Senator LEVIN. One of the advantages of completing the process, I take it, is as you have testified that the balance of the land that has been studied that is not designated is then released?

Mr. ROBERTSON. That is correct.

Senator LEVIN. We can resolve that issue and actually release lands for multiple use?

Mr. ROBERTSON. Yes.

Senator LEVIN. Now on the ninth issue, the Nordhouse Dunes issue, have you personally talked to the forest manager out there?

Mr. ROBERTSON. No; I have not, but some of my staff here have.

Senator LEVIN. They are here with you here today?

Mr. ROBERTSON. Yes.

Senator LEVIN. Have you talked to the planner out there, Mr. Scott?

Mr. ROBERTSON. I have not, but my staff have.

Senator LEVIN. Do you know, can you get a nod from them as to whether or not I am correct when I represent that both of them have recommended wilderness designation for Nordhouse Dunes personally? And I talked to Mr. Scott this morning.

Mr. ROBERTSON. Yes.

Senator LEVIN. Can you confirm in the record. I do not know who your staff is.

Senator RIEGLE. He has been asked that. He has already given one answer. It will be interesting to see what answer he gives the second time.

Senator LEVIN. Well, he said that he did not talk to them as I understand it. Let me just see. Did your staff talk to them?

Mr. ROBERTSON. Yes; there have been communications the last few days on that. Can I just make a few comments on this? There is no disagreement in the Forest Service that this is a good wilderness area and ought to be a wilderness area. We just have this bothersome oil and gas potential problem there and we just do not quite feel right in making that permanent decision at this point when there are some indications we may have a very valuable oil and gas resource there. Now if it was the Government's oil and gas resource, we still might look at it a little different. Maybe not too much, but when you have private mineral rights and they have a right go in there and explore and see if there is a resource and then us get caught up in millions and millions of dollars of buying that or else you have an oil and gas field development out there that will spoil the wilderness. I do not think there is anyone in disagreement on this area. It is just this bothersome problem of how are we going get through this. We are in a box. We would like to designate it as a wilderness. Yet with the private mineral rights, how are you going to find out if there really is oil and gas out there.

Senator LEVIN. Have you read the House position on this?

Mr. ROBERTSON. No. I do know they had some provisions in there.

Senator LEVIN. They have some very specific language in the committee bill as to exactly how do you find out and I would urge that the Forest Service read those provisions in the House committee report. It does go through that process as to how you find out. If you have not read them, I would urge you to read them.

My question is, Can your staff, and I did not hear you answer this before, confirm whether or not, in fact, the forest manager and the planner have recommended wilderness personally? Can you find out from them this morning? I do not know who they are or I would ask them.

Mr. ROBERTSON. The recommendations of the forest supervisor are documented in the forest plan and the forest plan will say wilderness study for all of those.

Senator LEVIN. I understand the forest plan. I am asking you whether or not it is their personal recommendation that we designate this as wilderness in law? If you will point out your staff, I will ask them.

Mr. ROBERTSON. Who talked to them?

Senator LEVIN. Is that their personal recommendation that it be designated wilderness?

Mr. VAN ZEE. I am Bruce Van Zee, legislative affairs staff of the Forest Service. I talked with the forest supervisor Wayne Mann this morning about 9. His statement was that the area would make a good wilderness. He would like to see it wilderness, but with the oil and gas leasing problems, he recognizes that wilderness designation would be very awkward at this time.

Senator LEVIN. So he does not recommend it or he does?

Mr. VAN ZEE. He said we could best handle it by wilderness study until we can see if we can find a reasonable way to drill for oil and gas and develop it and still maintain wilderness status.

Senator LEVIN. Then I will say that is a change in the position that he has taken. From what I understand from my staff and I personally talked with Mr. Scott, the planner there this morning, who said that it is both his position and Mr. Mann's position that that be designated as wilderness. I think there is change here in the local people, the people who are in charge of managing that forest have recommended that this be designated as wilderness. We protect in this bill the rights of the mineral holders who are here this morning I understand, at least some of them are here this morning, and will testify in their own behalf that this bill protects the rights of the mineral holders as we must. This is property that they own. But I do not want to press that further. We have gone through that and I will again talk to Mr. Mann to see if, in fact, his position has changed as you described.

Mr. ROBERTSON. Senator, could I comment on that? I think it probably is possible to designate this for wilderness and go through the exploration stage to see if there is really oil and gas there. That is not as much of a problem that should there be a major oil and gas field, then the full-scale development to extract the oil and gas. That is the real problem.

Senator LEVIN. That is true whether we designate this as wilderness in law or manage it as wilderness. Right? It is true either way.

Mr. ROBERTSON. What we would be into is we cannot.

Senator LEVIN. That is a straight question. Is it not true either way whether we designate it in law or manage it as wilderness? There are problems we are going to have because they have rights will be true equally?

Mr. ROBERTSON. That is right. They have reasonable access guaranteed.

Senator LEVIN. If we manage it as wilderness or whether it is designated in law as wilderness?

Mr. ROBERTSON. I think you are probably right.

Senator LEVIN. The last question. If we designate these areas in law as the Wilderness Act of 1964 says we are supposed to do if they meet certain standards. We always can change the law as the democratic elected legislative body. Can we not?

Mr. ROBERTSON. That is correct.

Senator LEVIN. So that if we make a mistake in our designation, either by doing something that we should have done in addition or subtraction, we do too much or do too little, we can amend the law as the democratically elected body.

Mr. ROBERTSON. Yes, sir.

Senator LEVIN. I am going to go back to my observing seat. Thank you very much.

Mr. ROBERTSON. You are welcome.

Senator RIEGLE. This raises in my mind one more item and I am going to be able to stay until about 11:15 and then I must leave for another assignment, but I would hope maybe that Senator Levin could be here at that time and sort of carry the mail here.

Senator LEVIN. I want to maintain my role as advocate here very clear, because I have obviously reached a conclusion and I would not want to suggest otherwise. I would rather be the observer until I have to leave.

Senator RIEGLE. Well, as long as somebody is able to chair the hearing at that point.

With respect to the rest of the management plan for the nonwilderness areas, have you have had any sense that there is going to be any contentiousness on your recommendations in those areas?

Mr. ROBERTSON. I suspect there will probably be some dissatisfaction with some of our decisions.

Senator RIEGLE. How long would it take us to resolve those questions in your view?

Mr. ROBERTSON. We have an administrative appeal process. I believe one plan for Ottawa is already out on the streets with a decision, if I recall and the Hiawatha and the Huron-Manistee were at the printer and should be out soon. And that will be a formal official decision by the Forest Service and then that starts an appeal process where anybody that is dissatisfied with that decision has 45 days to object. So we will go through that 45-day period of time. If we get an appeal and, incidentally, most of our forest plans are being appealed throughout the country and it is hard to tell in the State of Michigan right at this point. But then the decision is appealed to the Chief's office. Incidentally, the decision on the forest plan is made by the regional forester. It is recommended by the forest supervisor, approved by the regional forester in Milwaukee. Then any appeal of that decision comes to us in the Chief's office here in Washington with a statement of reasons and why the person is appealing. Our people in Michigan will have a chance to present their case in writing to us and then the Chief will decide on that appeal.

That would probably take another 40 to 60 days. After the Chief makes his decision, the Secretary of Agriculture has 10 days to decide whether or not he wants to review the Chief's decision. As we go through that process, it is probably a minimum of 120 days or 150 days.

Senator RIEGLE. Can somebody take you to court on these issues?

Mr. ROBERTSON. They can take us to court after the Chief makes the final decision. They have to go through the administrative appeal process to reach administrative finality and then we can go to court and you do not reach administrative finality until the Chief makes the decision.

Senator RIEGLE. So if somebody decided to take you to court on the remainder of the plan and that came at the end of the 150 days, how long is that likely to run?

Mr. ROBERTSON. The courts are awful slow based on our experience. We have had lawsuits in the courts up to 2 or 3 years. But even a fast case through the courts is probably 12 months.

Senator RIEGLE. Twelve months in addition to the 150 days?

Mr. ROBERTSON. Yes.

Senator RIEGLE. So we could find, if we were to act on wilderness now, which is just one part of the forest management plan, we could find that we had handled one part of it, but we were caught with a controversy in the remainder that could stretch on for as long as a half a year, year, 2 or 3 years?

Mr. ROBERTSON. If it goes into court, two or three years.

Senator RIEGLE. Why is it not sensible to try to handle all of these issues at the same time so that the people of the UP and everybody else who cares about this can have some final sense as to what the outcome is?

Mr. ROBERTSON. We would like to have agreement on the whole plan. The only reason it is separated is because wilderness is a congressional decision and the other decisions are administrative decisions.

Senator RIEGLE. I understand, but there is nothing that requires the Congress to make its decision on wilderness at any particular time. I mean you have noted that there are a number of other States that have not yet done so. So, in fact, if we chose to, we could hold off on the final decision on any wilderness designation until such time as the rest of the plan was nailed down. Is that correct?

Mr. ROBERTSON. Yes.

Senator RIEGLE. When I go back to conversations that I have had with people in the Upper Peninsula, who are very concerned. They are on different sides of aspects of these issues, but they are very much concerned about the uncertainty that there is never any finality to it and the thing just keeps going from one thing to another and there is controversy and the possibility of court challenges and so forth. It seems to me that there is a lot to be said if there is going to be any action taken at all that it would be, I think, very desirable to try to have everything settled at one time.

Now we are a little out of phase here, because we are having this hearing because the Congress is coming to an end even though the Forest Service plan is not yet public. And I gather it is not going to be made public until the Congress adjourns.

Mr. **Robertson**. I think the Ottawa is already out. Is it not? Manistee is out and the Hiawatha will be out in a few days.

Senator **Riegle**. Do we know when exactly? In a few days, is that 1 week or 2 weeks?

Mr. **Somerville**. About 2 weeks.

Senator **Riegle**. So that will come out presumably after the Congress adjourns. I mean, in a sense, we have a little bit of a timing problem here in the sense that the plans are finished but they are not printed. And because they are not printed, they cannot be released to start the official time clock in terms of the response period. I do not know if there is a way to take and settle all these issues at once, but it seems to me there would be a lot to be gained for everybody if there was a way to do that. I do not think that we can find an answer to that today, but that is certainly of interest to me.

Thank you very much for your testimony.

Senator **Levin**. Are the drafts of those plans subject to public comment?

Mr. **Robertson**. Yes, the draft plan was subject to public comment.

Senator **Levin**. Is it following that period that you published the final.

Mr. **Robertson**. This is the final. So this comes out with a decision.

Senator **Levin**. Your testimony today reflects that decision?

Mr. **Robertson**. Yes.

Senator **Riegle**. Are there differences from the draft to the final?

Mr. **Robertson**. I have not studied those specific plans, but normally there are changes.

Senator **Riegle**. Would not Nordhouse be one such thing, or was that ambiguous in the draft?

Mr. **Somerville**. I would not think so. I would think it will be wilderness study because of the Eastern Wilderness Act.

Senator **Levin**. That is true with all of the areas.

Mr. **Robertson**. Yes, and that is just a peculiarity with the Eastern Wilderness bill.

Senator **Riegle**. Thank you.

Mr. **Robertson**. There are two other bills here that are a subject of this hearing. I need to get my statement in the record and I can summarize in just 2 or 3 minutes so the people from Michigan can testify. But we were to cover the Georgia Wilderness bill and I am pleased to report that I think this bill has broad public support. It is consistent with our forest plan and we fully support this bill. And we hope Congress is able to get it through Congress before you adjourn. Then I have a more elaborate statement on that.

Senator **Riegle**. We will make that statement a part of the record.

Mr. **Robertson**. The Texas Wilderness is not quite so simple. This bill changes the boundaries of five wilderness areas and I can summarize our position on those in just about two minutes.

Senator **Riegle**. Please proceed.

Mr. **Robertson**. S. 2563 would modify the boundaries of five wilderness areas in Texas. We support some of these changes and we oppose others. First, our primary opposition is the addition of 693 acres of private land. All private land tracts proposed in this bill are along the perimeter of the wilderness areas and in our opinion do not add significantly to the value of the wilderness. Yet they would be expensive to acquire and in many cases difficult because of the multiple ownerships. So with all of our other priorities in managing the national forest and we talked about our money going into recreation, we simply do not believe we ought to be spending additional money on land acquisition and particularly for these tracts. So we would oppose all of those additions of private land in Texas.

There are some additional national forest lands that are being proposed to add to the wilderness. We support all of those additions except two tracts. There is a 213 acre tract in the Upland Island Wilderness in Texas that we oppose and there is also 448 acre tract in the Big Slue Wilderness that we oppose. My statement, Mr. Chairman, gives the rationale for opposing those.

There are several other boundary changes which would move the boundary out to the edge of a road right-of-way or railroad right-of-way. These are good changes. They would make the boundaries more visible to the public and easier to manage and we support those changes.

Senator **Riegle**. Thank you. We will make your full statements on Georgia and Texas part of the record.[6]

We will have a little later after we conclude the Michigan witnesses, we will have also individuals who wish to speak. Robert Kerr with respect to Georgia and Tim Mahoney with respect to Texas. So we will be calling them later. Thank you.

Mr. **Robertson**. Thank you, Mr. Chairman. I particularly appreciate the chance to discuss this with both Senators from Michigan.

Senator **Riegle**. According to the witness list, we have five witnesses that have asked to appear together and I am advised by staff that the first two would presumably come to the table together, Michael Miller and Gerald Derks. The next three will follow as a panel of three after those first two. So, if that is acceptable to everyone, it is not my intention to find myself in this capacity, but I am here. In any event, why do you not come ahead and let's hear from each of you and then we will go to the next panel.

Mr. **Derks**. Do you want me to start?

Senator **Riegle**. Yes, you are Mr. Miller?

Mr. **Derks**. I am Gerald Derks.

Senator **Riegle**. You are Gerald Derks.

STATEMENT OF GERALD DERKS, MUSKEGON, MI

Mr. **Derks**. I am the royalty owner in this Nordhouse Dunes area and thank you, Senator. Senator Levin as well.

I heard about this hearing yesterday and I made arrangements to fly in and inadvertently in my written text called this Senate bill 7767. I would like to note that it is 1767. I do not want it lost somewhere after flying all the way here.

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[6] See pp. 48–50 for the prepared statement of Mr. Robertson on S. 2563 and S. 2838.

Senator Riegle. We will make your statement part of the record. What I would ask is that to the extent that you can give us a narrative summary of your views that would be helpful.[7]

Mr. Derks. I will. It will be a very brief statement.

Senator Riegle. Very good.

Mr. Derks. I think it self-evident the bind we seem to be in as well. But there was an editorial in the Muskegon Chronicle, September 24, and there has been, of course, in the paper about oil and gas and nature. This editorial referenced the Pigeon River State Forest controversy that took place back in the midseventies under which in 1976 a very lengthy drawn out litigation or trying to keep the State of Michigan from developing that property. This editorial was a compliment to the State of Michigan and to the oil and gas industry. That editorial is readily available and I would be happy to send it, but it basically states that nature and the oil and gas industry can nicely coexist and they are a complimenting both parties for the handling of this.

I think that issue comes to play in the Nordhouse Dunes. I think there is a way to develop the property. I own the bulk of the royalty interest in that area—1,496 acres of royalty. We have been delayed and delayed and all of this is in my text. I bought the property in 1962 and shortly thereafter, the Department of Agriculture, through the Forest Service, opened up discussions with us about acquiring the property. There was a threat to condemn us and in the process we agreed to go ahead and sell the property to the USDA at that time.

At that time, they did not wish to acquire the mineral rights and we were left with the royalty and the right to explore for oil and gas. Now we are attempting to do it and it appears that through a series of delays there is almost a threatened condemnation in a sense, because we cannot even go in and explore them. We have been allowed to seismograph. There are known anomalies on the site and naturally as an owner, I am representing my personal interest, my family, and business associates. It is important to us that we do this.

I am seeking and imploring really with the U.S. Federal Government with whom I had dealt with in 1962 to be sure that my rights are protected. Not that we can still own the mineral rights, but that we go in and go ahead and produce them. This is a different area than many sensitive areas. The Pigeon River State Forest is a labyrinth of streams, rivers, and lakes, and I think you gentlemen are very familiar with all that. I am not an oil and gas driller, but this property has been drilled before. It has been timbered. I have been all over that property long before anyone ever cared about it and I am very familiar with it. It is nice, but it is not that unique, except its juxtaposition in the State of Michigan.

I feel now that with the Miller Energy Co., and I have also had dealings in other States with other oil and gas companies, it is a proven fact that they can develop properties. The controls are there today through the Department of Natural Resources and through the Forest Service that they can be forced to do it exactly the way they want to drill. That would still protect my right and still protect the rights of the public so that they have a pretty piece of property to play with in perpetuity.

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[7] See p. 50 for the prepared statement of Mr. Derks.

That is why I am here to go on record that we would like to expedite this problem. It is becoming very costly and I know that the oil company has spent considerable money in their research. So whatever language the bill comes out with, if it comes out, I just want to be sure that my rights as a royalty owner not only continue on the royalty interest, but to explore for them as quickly as we can.

Thank you very much.

Senator **Riegle**. Thank you. Do you have any questions, Senator Levin.

Senator **Levin**. Just the one, I think I mentioned before that there is language in the House committee. I think you have had read that. Any suggestions relative to the language that you want to forward.

Mr. **Derks**. I have just become concerned that some technicality that I do not want to get tied up like the Pigeon River State Forest in 1976. It took 3 or 4 years of litigation and then they ended up drilling it and things worked out beautifully for everyone.

Senator **Levin**. My only suggestion will be if you can offer us any suggestions—any improvements—from your perspective to that language that is on page 5 of the House report. It would be helpful to us.

Mr. **Derks**. I made a note after your comment to look that up again and I will have to defer to other people if there is a technical reason. But I think the intent is there. Thank you very much.

Senator **Riegle**. Thank you. Mr. Miller.

STATEMENT OF MICHAEL J. MILLER, REPRESENTING THE INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA AND THE MICHIGAN OIL & GAS ASSOCIATION, ALLEGAN, MI

Mr. **Miller**. Good morning, Mr. Chairman, Senator Levin.[8] My name is Mike Miller with Miller Bro. Oil Corp. and Miller Energy of Kalamazoo, MI. We are an active oil and gas exploration and producing company in the State of Michigan and elsewhere throughout the United States.

First off, I would like to thank you for allowing me this opportunity to present to you our concerns about Senate bill 1767. In essence, Mr. Chairman, I believe I am speaking or preaching to the choir here as several of your comments are also my concerns in the fact that the management that is currently in place is protective of the environment. As time is of constraint here, let me specifically address the Nordhouse Dunes area and that as you are well aware is located in western Michigan, Mason County. In the testimony that I have submitted for record, there is an exhibit A which describes this area further and it is located within the Michigan Niagaran Reef which is a leading formation which produces oil and gas in the State of Michigan and is a focus of much activity at this time.

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[8] See p. 51 for the prepared statement of Mr. Miller.

Miller Bro. Oil Corp. has been active in this general vicinity for the past 25 years and we have 22 wells that are producing oil and gas at this time immediately south of the Nordhouse Dunes area. There is excellent oil and gas production immediately to the north of the Nordhouse Dunes area. Again, further defined in exhibit B. With these facts in mind, our geological theory is that large quantities of oil and gas are underlying the Nordhouse Dunes area. This geological theory has been further supported by the geophysical information that we have compiled to date, which is actually seismograph testing, and again, yields additional information so that we may select proper sites.

Miller Bro. Oil Corp.'s major concern is the protection of our rights to explore for and extract these minerals within this area and also, as the chairman has addressed, the question or the necessity of actually placing this particularly acreage in a wilderness state.

The Nordhouse Dunes has been opened to multiple use for many years. I have traversed this area; I have been through; I viewed the area; I have worked in the area. It is a beautiful area. However, it is not pristine, nor is it unique to the northern Michigan environment. That is the question that arises. Why do we move to a wilderness situation in an area such as the Nordhouse Dunes?

The multiple-use concept has been beneficial to all parties involved and I must say that the U.S. Forest Service has done a superb job in managing this asset under the multiple-use concept. A wilderness bill changing the status of this area will only create additional burdens, restricting the overall development of the area. In essence, the laws and practices that are in place at this time are adequate to protect the environment of the Nordhouse Dunes as well as adequate enough to allow us to explore for and develop oil and gas.

Most importantly, placing this area in a wilderness state will deprive certain individuals of their constitutional rights. As Mr. Derks addressed, the majority of minerals underlying this area are owned by private individuals. This particular transaction that took place in 1962 and for Mr. Cartier at an earlier date, the Federal Government guaranteed these individuals the right to explore for, develop, and extract their particular minerals within this area. If they are denied their particular right for evaluation of the minerals, then Miller Bro. Oil Corp. is also denied their right, because these particular individuals have entered into contracts with Miller Bro. Oil Corp. to explore for, develop, and extract oil and gas from this area.

To address quickly the question of valid existing rights, I realize, Senator Levin, that this has been addressed and I do appreciate that. We appreciate that. However, we have a great fear that even though this has been addressed, and I realize that should the bill pass, it becomes law and all must abide by the law. However, we will not be working with the Federal Government as we are not working the Federal Government right now. We are working with the State of Michigan as they govern the operations of oil and gas within the State and the permitting under act 61, again, governed by the State of Michigan. We are fearful that, if this becomes wilderness, additional hurdles and obstacles will be put in our path that will either require long, expensive, drawn out legal battles to resolve the issue or will actually be hurdles high enough that we will not be able to overcome, and the situation will pass without any type of activity, both denying the mineral owners and us of our rights to explore for oil and gas in this area.

In closing, I would just like to state again that this particular area should be excluded from Senate bill 1767. It should not be included as wilderness. An area such as this should be explored for its mineral potential before it is locked up in highly restrictive wilderness status. There appears to be a question as to the industry's ability to evaluate this area under safe conditions and low damage to the environment. Mr. Wayne Mann, the Forest Service personnel in charge of this particular matter has graded work that we have conducted in the area to date as superior. There has been drilling in the area. There has been seismic activity in the area and there are roads in the area. He has graded the work that we have done with high marks, and thus we are asking again that this be excluded from the wilderness bill and that the current laws and practices and the management that is now in force continue to guide and govern this particular area.

Thank you very much.

Senator RIEGLE. Thank you. Senator Levin, any questions?

Senator LEVIN. The only request that I would have would be you also read page 5, if you have not had a chance, of the House report and give us any suggested changes in that language—to give you what you believe you would be entitled to as either an inholder of the mineral rights or as a potential inholder. I do not know if the word inholder actually applies. I think it does to the holder of mineral rights. Do you hold actual mineral rights?

Mr. MILLER. We do not hold the mineral rights. We have the oil and gas lease with the mineral owners.

Senator LEVIN. You own it as a lessee.

Mr. MILLER. Exactly.

Senator LEVIN. If you could give us your comments on page 5.

Mr. MILLER. We will do that.

Senator RIEGLE. Thank you very much. Let us call now the next witnesses, Mr. Kellett, Ms. Elder, and Mr. Sampson. Ms. Elder, I think we will have you go first followed by Mr. Kellett and then Mr. Sampson.

STATEMENT OF JANE E. ELDER, MIDWESTERN REPRESENTATIVE, SIERRA CLUB, MADISON, WI

Ms. ELDER. In the interest of brevity, I will submit my written remarks and I would like to speak specifically to some of our specific concerns at each of the areas.

Senator RIEGLE. We will make your statement a part of the record and please proceed.[9]

Ms. ELDER. I first wanted to touch on, because it was brought up in your earlier questioning, the areas that were not recommended for wilderness—the additional some 20,000 acres which were not part of the legislation. In the late 1970's in 1979 and 1977, we participated in the roadless area review and evaluation which looked at the roadless areas in the Michigan national forests. When we prepared our proposal to come to the congressional delegation, we agreed not to request three areas. One is now known as Norwich Plains in the Ottawa National Forest. It was extensively burned over. The mineral soils were largely destroyed and we felt that at least at this period in history it did not meet our own requirements for wilderness designation.

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[9] See p. 58 for the prepared statment of Ms. Elder.

Second, the Bear Swamp in the Huron-Manistee National Forest, which is an outstanding area, but heavily used for deer hunting and because of the pressure from the hunting community, we did not pursue that area.

Third, the Fibre Area in the Hiawatha National Forest, which we did not pursue at that time because it is very similar in ecotype to the Delirium area and we felt that Delirium was a superior site and a better representative of that type of ecosystem. And we requested that Delirium be considered for wilderness as opposed to the Fibre Area.

Specifically on the other areas, I would like to talk about Sturgeon River Gorge and the boundary. We prefer the boundary in H.R. 148, the House bill, because the boundary, while it does provide for scenic turnouts and access for the view from a car, it protects the boundary at the road instead of at the escarpment of the gorge where it drops off, and thus there is a vegetative cover between the road and the escarpment. If you have driven the road, you will notice that on the eastern side of the boundary it is most extensively clearcut now, so you have a bald, mowed down area on the right side of the road and there is still some vegetation left on the left side of the road. We would like to see it retained that way to provide a noise buffer from the road and also to provide for the North Country Trail, which will be between the road and the escarpment as we understand on the eastern boundary. So we would like to pursue that boundary in the Sturgeon River Gorge.

We are flexible on the boundaries of Big Island Lakes and Rock River Canyon and we would be happy to work with the committees as they make decisions on those two. We just want to make sure that the integrity of the interior of both those areas is protected.

At McCormick tract and Delirium, we would support committee language which preserves the Forest Service option to maintain the small dams in both of those parcels. Regarding Delirium, we strongly believe that it should be included in the Michigan wilderness bill. This vast wetland complex is one of the least disturbed in the State and, as such, one of the most valuable for scientific purposes. The matter of the maintenance of the dam at Sylvester Pond can be dealt with through committee language or redrawing the boundaries. We would support either approach.

At Nordhouse Dunes, which has received a lot of discussion this morning, and will continue to I am sure, we support inclusion of the Sensibar tract which I understand was left out in one of the variations of the maps that have been under consideration. The Sensibar tract is the little triangle of land along Lake Michigan, which is now owned by the Forest Service and has been for several years.

Regarding Nordhouse Dunes, the oil and gas situation is an issue and it will continue to be an issue regardless of wilderness designation. The status of the underlying minerals at Nordhouse Dunes should not affect the area's consideration for inclusion in the wilderness system. The mineral situation is currently under intensive scrutiny at the State level and an environmental impact statement is expected out any day from the State of Michigan. The various interests concerned with oil and gas development in the area have been involved in that process and will continue to be. In addition, the House committee language specifies a careful procedure for oil and gas development in the area.

The Sierra Club remains firmly opposed to oil and gas development in the Nordhouse Dunes area, and we will whether it is wilderness or not. We will continue to pursue any legal rights that we have to protect the area from inappropriate development.

Some of the earlier questions brought up the discussion of release language. Let me simply state that it is our intention to continue to pursue protection of these areas if we are unsuccessful in passing legislation in the 99th Congress. Our only option to continue to protect these areas and retain our legal rights is to pursue the appeals process and, if necessary, litigation to protect these areas if legislation does not pass.

Senator RIEGLE. Excuse me. I apologize for the interruption as I had to receive another message. But I would like to have you, if you would, repeat that because I want to hear what you just said in its entirety.

Ms. ELDER. Regarding release language, you stated earlier that perhaps one of the things to do would be to proceed with the release language without the wilderness designations. And we would be vehemently opposed to that because release language precludes our ability to litigate on the environmental impact statement on the adequacy of its recommendations on wilderness designation. If there is one thing that has been very clear to us this morning, it is that the Forest Service position on Nordhouse Dunes is one that is completely different than what we expected. It is not what is reflected in their environmental impact statement, nor does it reflect 9 years of good-faith efforts with the local forest managers. We fail to understand, and I think you can understand, our concern as to why a position that we felt comfortable with over the last 9 years with the Forest Service has suddenly been changed in the last 2 or 3 days, and we were not privy to that process, nor was there any public comment on this final decision in the testimony.

Senator RIEGLE. If you are going to move the Nordhouse, I would just like to ask you a question at that point. Are you indicating then, that if wilderness legislation passed the Congress that you were not satisfied with respect to the Nordhouse Dunes, that it would be your intention to challenge that I take it, or I am not hearing you properly?

Ms. ELDER. We will use whatever legal process we have through the administrative appeals process and the courts to protect Nordhouse Dunes if the congressional action is not sufficient. But, because the language of the Wilderness Act protects the mineral rights, we understand our constraints. However, there is also the entire issue of the State of Michigan's involvement with the mineral leasing process. We have been participating in the State process and would expect to continue to. If, however, Nordhouse Dunes is not part of the Michigan wilderness legislation, then we would appeal through the Forest Service appeals process on the adequacy of the environmental impact statement although it is very curious, because the environmental impact statement that is out recommends Nordhouse Dunes for wilderness. Yet the Forest Service testified in front of you this morning that they no longer have that position. It says to us, here is yet another indication of our inability to completely trust an agency. All along this process we have been encouraged to work closely with the Forest Service and we have in good faith. We have enjoyed a good relationship with them. Yet here is another indication of their ability to change positions overnight, on a matter of great importance to us.

Therefore, I would urge, in this case, that Congress use its designated authority to step in and to say "these areas are very special and they deserve congressional recognition and congressional authorization in the wilderness process" so that we can have some assurance. You talked earlier about the need for finality and the need for assurance in the Upper Peninsula. We feel that same need with these wilderness areas and particularly, our experience with Nordhouse in the last 2 hours has sent a deep shock wave through the environmental community, because we felt we had a good understanding and good agreements there.

When you look at our experience with the Hiawatha National Forest in the last decade, they have changed their position four times on what should and should not be wilderness in the Hiawatha National Forest. We have participated in that process at all times and we are quite pleased with the final recommendations, but it is another indication to us that Congress has the ability and should exercise the authority to step in and say.

As a nation we recognize why these areas are very special and as a nation we would like to include them in the National Wilderness Preservation System and take them out of this flip-flopping decision-making process.

Senator RIEGLE. Thank you. As I say, we will make your entire statement a part of the record. Why not take the statements from the next two persons as well, and then we will go to questions.

STATEMENT OF MICHAEL J. KELLETT, MICHIGAN REPRESENTATIVE, THE WILDERNESS SOCIETY, ANN ARBOR, MI

Mr. KELLETT. Thank you, Mr. Chairman, Senator Levin.

I am Michael Kellett. I am the Michigan representative for the Wilderness Society and we are pleased that Senator Levin has recognized the importance of wilderness to the State of Michigan with the introduction of S. 1767 and commend him for his leadership on this issue.

I will summarize my statement.[10] Jane has spoken to the Delirium area. We support the Delirium and the Les Cheneaux or Government Island areas for inclusion in the bill. We feel there are strong reasons to include them and that the reasons for not including them are either marginal or could be worked out in terms of

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[10] See p. 59 for the prepared statement of Mr. Kellett.

Delirium. We have even talked to the Forest Service about that. We would be glad to work on trying to accommodate those areas.

I might make a couple comments, though, about wilderness in general based on the comments that have come up. It has been mentioned that if these areas are not made wilderness, they could be returned to multiple use. Well, wilderness is a multiple use. It is, by law, considered a multiple use in the National Forest Management Act. Therefore, you are not releasing an area from wilderness to multiple use. It is a multiple use.

Another major point that was made in terms of whether or not these areas are needed. The Hiawatha National Forest in their draft plan admitted that even if all the roadless areas, including these wilderness areas and semiprimitive nonmotorized areas, were designated as such, there still would not be the ability to meet the demand for this type of area on the Hiawatha and there is good reason to believe that this is also the case on the Ottawa and on the Huron-Manistee.

The reason why campgrounds are being closed is because they are developed recreation and there is plenty of that in Michigan. There is not enough demand to even use those developed campgrounds. They are large campgrounds that are hardly used. On the other hand, the Forest Service is worried that some of these areas will be overused if they are designated as wilderness, and they tell us that there is a need for wilderness and that the public wants it.

Another issue is the handicapped issue. I would like to submit a letter on behalf of Dr. William Waring, who is the assistant director of the Spinal Cord Injury Program at the University of Michigan Hospital's Department of Physical Medicine and Rehabilitation in Ann Arbor. He is one of the cofounders of a group called Wilderness Inquiry II, which takes handicapped persons into wilderness areas, such as Boundary Waters and other areas in the North Woods-Great Lakes area. He feels very strongly that wilderness is not only something that the handicapped people can live with, but that they need. He uses this as a therapeutic treatment for those who have had injuries, and takes them out where they can rely on themselves. They may not be able to walk up a mountain, but some people in good shape can hardly walk up some of the mountains around that part of the country. So I would just like to note that there is support among handicapped people and people who are familiar with the needs of the handicapped for wilderness.

The other issue is Nordhouse Dunes and I was shocked this morning by the arbitrary and capricious manner in which the Forest Service flip-flopped on this issue. We have been working during the planning process for the last 5 to 6 years. We have talked to the planners and the supervisor of the Huron-Manistee National Forest. They have assured us that they think this area should be wilderness and are in support of it as wilderness. Then this morning, we find out that all of a sudden the Forest Service does not want it to be wilderness. It may be legal, but it is not right to make such a flip-flop and we think that again it demonstrates the fact that when you are dealing with a bureaucratic agency, such things can be done without the public being represented by their Congress people or by their input. There was no public input. As far we know, the Governor did not have any input and it is even likely that the people in the Huron-Manistee National Forest did not have a whole lot of input either. We are extremely concerned, and we think that this just demonstrates why Congress needs to act to protect these areas.

Regarding the Delirium area there is talk in the final plan about how nice it would be to build impoundments for wildlife, about how it would be nice to cut timber for deer habitat, et cetera, and we think this just indicates what the Forest Service is thinking. For the next 10 years these areas may be protected, but it is going to be a constant battle to watch over the Forest Service to make sure they do not do something inappropriate. Most of the staff who are presently on the forest, we have worked with and we have enjoyed the relationship and we trust them, but we are concerned about them being overridden. We are concerned about what may happen in the future and we think the public wants these areas protected and we think only wilderness designation will do that.

In terms of the oil and gas, I believe the Senator discussed that, but another issue is that there was an environmental study done already that the State DNR had done by the Vital Resources Co. and we will be submitting that for the record. It is a lengthy, thick document where they have studied the potential effects of oil and gas drilling. This is not an issue that has been delayed and avoided. It is an issue that has been looked at. The results of the study were that it would be extremely damaging to drill and explore within Nordhouse Dunes. Whether or not it is wilderness, that will be the case. It will be damaging.

Senator RIEGLE. We will certainly make that a part, if you want to leave that, we will make that an addendum to record so that it is available to the committee.[11]

Mr. KELLETT. Thank you.

The other issue related to that is that if it is not wilderness, or if it is wilderness, the Forest Service has certain obligations in terms of standards and guidelines that they have the legal authority and obligation to hold developers of any sort to. For example, the Huron-Manistee plan is being appealed, and one of the major issues for appealing their final plan is that they not provide adequate protection for the Nordhouse Dunes area in terms of regulation of oil and gas drilling whether or not it is wilderness. The Allegheny National Forest is a good example of a forest where they did provide very specific guidelines and we are recommending that the Forest Service adopt those whether or not it is wilderness. The Wilderness Act protects reasonable access to legal oil and gas rights and Senator Levin has gone out of his way to specify how that would happen in his bill and H.R. 148 also does that.

We cannot accept a bill that does not have Nordhouse Dunes and we think it is outrageous for the public to have to be asked to give up the one possible wilderness in the Lower Peninsula and it is a unique area despite what people have said. This environmental study that was done says that Nordhouse Dunes and Lundington State Park adjacent to it is the largest, single piece of undeveloped

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[11] As of press release the above-referred to document was not received by the subcommittee.

Lake Michigan shoreline in the whole State. I would say that is unique.

To summarize, we advocate the addition of Les Cheneaux and Delirium to S. 1767 and would be glad to offer our services and our support to the bill.

Thank you.

Senator **Riegle**. Thank you very much.

Let us take our last witness, then I am going to have to excuse myself because I am late to another assignment. Mr. Sampson.

STATEMENT OF NEIL SAMPSON, EXECUTIVE VICE PRESIDENT, AMERICAN FORESTRY ASSOCIATION

Mr. **Sampson**. Thank you, Mr. Chairman.

I am Neil Sampson of the American Forestry Association and I have a very short statement, which I will abbreviate even further in the interest of time.[12]

Our study of these wilderness bills is based mainly on our sense of what it takes to manage any forest area in a professional way and also on a staff polling that we did with people in Michigan and Georgia as to local perceptions about these bills. It is our philosophy that when the people who live next to the forest can come to a general consensus about how it ought to be used—whether that is in the forest planning process or in the wilderness bill process—that consensus ought to be given some credence in the decision. Our findings basically have been borne out by the hearing this morning.

Our findings in Michigan were that people of goodwill and good expertise did not agree. There was a wide variety of different opinions, both as to the facts of the matter and on the wisdom of moving forward. As such, we bring our recommendation that the Michigan wilderness legislation be held until further study and additional consensus building can be done.

We firmly believe that the integrity and productivity of those forest resources can be adequately protected with or without designation. We support designation where the consensus exists. We do not think it does in this case.

Our study in the State of Georgia indicated the other situation to be true. Studies across a wide variety of our members, directors, and other people and cooperators indicate very strong support—a unanimous consensus on this wilderness bill. That, in itself, seemed to me to be sufficient cause to urge the committee to move forward with passage as rapidly as possible.

We thank you very much.

Senator **Riegle**. We will make your statement a part of the record.

Senator Levin, do you have questions of any of these witnesses?

Senator **Levin**. It sure would be easier if there were consensus. I think we all agree on that, but I do not have any questions.

Mr. **Kellett**. Excuse me, Mr. Chairman, I forgot to say that I have also submitted a letter on behalf of Mrs. Jutta Letts, the first vice president of the Les Cheneaux Islands Association on behalf of

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[12] See p. 61 for the prepared statement of Mr. Sampson.

Government Island and also for Michael Scott on behalf of the Wilderness Society in support of the Georgia wilderness bill.[13]

Senator RIEGLE. Those will be made a part of the record and if anyone else present today has a statement that they want to leave with the committee, or have statements from other individuals that want to be made a part of the record, please give those to us so that we can study them and include them in the record.

Senator LEVIN. I would suggest, Mr. Sampson, that you do take a look at the Michigan Forest Products Industry Development Council's statement relative to this issue, if you have not already had a chance to do so. Take a look at Mead Paper's letter to me, because basically those folks want to resolve this issue and I do not know if you had a chance to see that in the minutes of the meeting that the Governor and the Forest Products Development Council have tried to work this out in a way that everybody could live with and to keep this open. In my view, it is just to keep the pot boiling which now we should try to turn a level down and get it behind us. All I am suggesting to you that you do if you have not had a chance is read those materials. If you have, then you have already done what I think is so helpful.

Senator RIEGLE. Along that same line, there was a statement at the outset and I do not know that I am able to put my hand on it now. It was one that Senator Mattingly referred to that came from a forest group covering Michigan and Wisconsin. Does the staff have that particular document? I may just find it here in a moment.

This is the Michigan-Wisconsin Timber Producers Association Board has voted unanimously to oppose the Michigan Wilderness Act. I cite this only as an illustration that the forestry people or those who are in the forest products industry are also divided all over the lot on this thing. Some groups are for it; some are against it; some are torn one way or the other. So, I would say that in that area as well it cannot be said that there is a clear consensus. It would be better if there were. But, in any event, that letter has been made a part of the record as well.

I will just repeat again, if anybody has any other statements that they wish to enter in the record, that they should do so. We will keep the record open here for a period of time to receive additional comments. I know there were other witnesses that had asked to come and were unable to do so.

I am now going to ask that the committee stand in recess for 1 minute so that the staff can assume the responsibilities to hear those witnesses that are here on other State plans. So now the committee does stand in recess for 1 minute.

[Recess.]

Mr. AGUIRRE. My name is John Aguirre, a staff member for the committee.

We will resume the hearing leading off with Robert Kerr from Georgia. Mr. Humphrey, did you want to introduce Mr. Kerr?

Mr. HUMPHREY. Yes, Mr. Chairman. Senator Mattingly, who had introduced the Senate bill on the Georgia wilderness, S. 2838, I believe, is unable to be here because of floor activity going on in the Senate right now. He did ask me to come and asked that his statement be included in the record.[14]

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[13] The letter from Mrs. Letts, as of press release, was not received by the subcommittee; see p. 61 for the prepared statement of Mr. Scott.

He also asked me to introduce on his behalf Bob Kerr, who is with the Georgia Conservancy and who is here to give his testimony and input on the bill that is pending before the committee.

STATEMENT OF ROBERT KERR, EXECUTIVE DIRECTOR, THE GEORGIA CONSERVANCY, ATLANTA, GA

Mr. **Kerr**. Thank you, Cliff. I really appreciate that and I would like to express my appreciation to the committee for having this hearing on the Georgia bill and to Senator Mattingly for the introduction of the bill along with Senator Nunn.

As you have already heard in the previous testimony, there are approximately 42,000 acres being recommended for inclusion in the wilderness designation in the State of Georgia. We concur with that recommendation and when I say we, I am speaking on behalf of not only the Georgia Conservancy, but 12 member organizations of the Southern Highlands Coalition. And we concur with the decision and as you have already heard as well, there is almost no controversy or any known controversy over this recommendation.

I will stop here and leave my written statement for the record, I would just simply urge that the committee act favorable on this bill and expedite it as quickly as possible.

Thank you.[15]

Mr. **Aguirre**. I know you have previously testified before this committee and you have worked very hard on this. I am glad you could come back and testify again.

Mr. **Kerr**. Thank you.

Mr. **Aguirre**. Tim Mahoney from the Sierra Club, you are next.

STATEMENT OF TIM MAHONEY, WASHINGTON REPRESENTATIVE, SIERRA CLUB AND THE TEXAS COMMITTEE ON NATURAL RESOURCES

Mr. **Mahoney**. I am Tim Mahoney, the Washington representative of the Sierra Club.

The Sierra Club naturally supports all three of the bills that have been before the committee, but the Lone Star chapter of the Sierra Club and the Texas Committee on Natural Resources were not able to come here today to testify on the Texas wilderness amendments and so they have asked me to submit a statement. With your permission I will do so.[16]

Let me just say, Mr. Aguirre, that these are minor boundary adjustments that are proposed from the previously passed 1984 Texas Wilderness Act that are meant to reflect some new land acquisitions that have taken place in the interim and to designate better, more manageable boundaries. It is my belief that despite some of the testimony this morning from the Washington Office of the Forest Service that the Forest Service and the conservation community worked very carefully in crafting the specific boundaries in this bill.

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[14] See p. 40 for the statement of Senator Mattingly.

[15] See p. 63 for the prepared statement of Mr. Kerr.

[16] See p. 64 for the prepared statement of Mr. Mahoney.

We understand that there have been some objections that have been raised and we are in touch with Senator Gramm's staff and Senator Bentsen's staff in trying to resolve these so that this bill can go forward.

Thank you.

Mr. **Aguirre**. Thank you very much, Mr. Mahoney.

That will conclude the hearing for today.

[Whereupon, at 11:41 a.m., the subcommittee adjourned, subject to call of the Chair.]

APPENDIX

STATEMENT OF HON. MITCH McCONNELL, A U.S. SENATOR FROM KENTUCKY

This hearing has been called to review testimony regarding Wilderness designations on National Forest Land in 3 states, Michigan, Georgia and Texas. Our National Forests are among America's greatest natural assets and the goal of maintaining particular land tracts of these beautiful resources for generations to come is certainly admirable. I commend all of today's witnesses, who, I'm sure, have donated a considerable amount of time and energy to these worthy endeavors.

As always, I can appreciate and respect the differing points of view on the amount of wilderness designation. However, I am hopeful that the discussion here today will facilitate the resolution of the differences so that we may process the bills through the Committee expeditiously.

The hearing today focuses on several bills designating areas as new wilderness areas in Georgia and Michigan and adjusting an existing area in Texas. Currently Michigan has no National Forest lands designated as wilderness. The House bill, H.R. 148, would designate eleven areas totaling approximately 92,600 acres of land as wilderness in the State of Michigan. The Senate bill calls for slightly less, 81,750 acres.

The Georgia bill proposes that 5 areas of the Chattahoochee National Forest with a total acreage of 40,000 acres be designated as wilderness area.

The Texas wilderness bills propose to adjust the boundaries of existing wilderness areas to add an additional 1,750 acres to the National Wilderness Preservation System.

As I indicated a few moments ago, this hearing is the culmination of efforts by various conservation groups in Michigan, Georgia and Texas to ensure that the natural beauty of certain public lands in those states will be maintained for generations to come. I thank the witnesses for coming and I look forward to hearing their testimony. I would urge the witnesses to be as brief as possible, and summarize their formal statements which will be printed in the record of this hearing in their entirety. Because of the pressing business of the Senate as we near the end of the session, I may be forced to leave the hearing and so I ask your indulgence should that situation occur.

STATEMENT OF HON. EDWARD ZORINSKY, A U.S. SENATOR FROM NEBRASKA

Mr. Chairman, I am pleased that the Subcommittee on Agricultural Research, Conservation, and Forestry is holding this hearing on wilderness legislation for the States of Michigan, Georgia, and Texas.

S. 1767 is the Michigan Wilderness Act of 1986, Introduced by Senator Levin. It would create nine new wilderness areas in the Ottawa National Forest, The Hiawatha National Forest, and the Manistee National Forest in Michigan. These new wilderness areas would total 81,660 acres. H.R. 148, the House-passed bill, designates seven new wilderness areas.

The Texas Wilderness Act Amendments of 1986, H.R. 4685, would modify the boundaries of specified wilderness areas designated by the Texas Wilderness Act of 1984. The Act would permit the continued grazing of livestock on land added to the system.

The Georgia Wilderness Act of 1986, S. 2838, would add approximately 42,000 acres of wilderness area in the Chattahoochee National Forest.

Mr. Chairman, under existing law, the national forest lands are to be managed for multiple uses. Maintaining lands in a pristine natural state for the enjoyment for our citizens is one of the important uses of these lands. I hope that the committee will support our colleagues from Michigan, Texas, and Georgia, and act expeditiously on these bills so that they may be enacted before the end of this session of Congress.

I look forward to reviewing the testimony of today's witnesses.

STATEMENT OF HON. LLOYD BENTSEN, A U.S. SENATOR FROM TEXAS

Mr. Chairman, I thank you for your consideration in holding this hearing at this late date.

The Texas wilderness bill, which I introduced together with Congressman Charlie Wilson of Texas would make some needed adjustments in the boundaries of the Wilderness System in Texas. The suggested changes would even out jagged boundaries and move those boundaries to make them more easily marked and recognizable. The bill would also provide additional acreage to the East Texas forest areas of Upland Island, Big Slough, Turkey Hill, Indian Mounds, and Little Lake Creek.

In 1984 I helped establish these wilderness areas. The original measure designated 34,000 acres of federal land as components of the National Wilderness Preservation System. This insured the continued protection of those unique ecosystems, assuring that they would remain unspoiled for the enjoyment of future generations.

The alterations originally proposed in this bill would have added a total of 1,770 acres to these areas; 1,080 of these acres would come from existing U.S. Forest Service lands, and 690 acres from the acquisition of private lands from willing sellers. The private land owners would have been compensated through exchange of U.S. Forest lands of comparable value.

Objections have been raised to certain parts of this bill, and I am pleased to report that an accommodation has been reached which I believe is agreeable to all parties concerned. This compromise would entail deleting the 690 acres of private lands from the bill, leaving only the boundary adjustments involving federal lands. These remaining adjustments will still improve the existing wilderness areas from both an environmental and managerial standpoint.

It is my understanding that this is acceptable to the U.S. Forest Service and to all the other parties involved in this legislation, and I urge the adoption of the bill with that change.

STATEMENT OF HON. MACK MATTINGLY, A U.S. SENATOR FROM GEORGIA

Good Morning. It is indeed a pleasure to appear before the committee today to testify on behalf of Senate Bill number 2838, the Georgia wilderness legislation which my colleague, Senator Nunn, has joined me in introducing in the Senate. I also want to acknowledge the efforts of Congressman Ed Jenkins who secured passage of identical legislation in the House of Representatives earlier this week. Senator Nunn unfortunately has a conflict in his schedule this morning, and so regrettably cannot be here with us. However, I want to observe that this bill has his complete support, and I would request that the hearing record be held open so that his statement of support may be entered at a later time.

This bill will add about 40,000 acres of land to the existing Georgia wilderness areas. The areas identified for designation are the same as those identified by the U.S. Forest Service forest management plan and recommended for inclusion in the National Wilderness System. I understand that the Service has testified before the House committee in support of this legislation, and I trust that they either have or will convey their support to this committee.

Mr. Chairman, I am also pleased to note that Mr. Bob Kerr who represents the Georgia Conservancy is present to testify on the bill. Mr. Kerr and his organization have been most helpful to this Senator over the past six years, and I have the highest regard for their abilities in promoting the responsible protection of our State's natural resources.

I will not belabor the point here this morning. I sincerely urge the Committee to expeditiously move this important piece of legislation, and to help us ensure its passage in the Senate prior to the rapidly approaching adjournment. The protection which is afforded by the wilderness designation for the areas identified in my bill will ensure that these resources are preserved and protected for the enjoyment and enrichment of future generations of Americans.

I thank you for arranging this opportunity for a hearing on the bill, and for your kind cooperation in moving the bill forward.

Statement of Timber Producers Association of Michigan and Wisconsin, Inc.

The Michigan-Wisconsin Timber Producers Association Board has voted to unanimously oppose the Michigan Wilderness Act. This Association represents over 1,200 forest industry employers in Michigan and Wisconsin. The following comments support our position.

Michigan already has 180,000 acres of federal ownership withdrawn from management of our renewable wood resource. These include Isle Royale, Seney Wildlife Refuge, Pictured Rocks, and Sleeping Bear Dunes. Also, 320,000 acres of state owned land has been permanently withdrawn from timber management through state wilderness, natural areas, and parks. Hence, it is clearly visible that a "Wilderness" experience can be obtained on tens of thousands of acres already set aside for that single purpose in Michigan.

Existing laws permit management of natural scenic areas for safe protection and preservation into the future. Congressional designation of wilderness locks up land forever and does not permit wise management for the future, nor access by the majority of the public. Future jobs, which are badly needed in rural northern Michigan, will be in jeopardy by the withdrawal of further lands from possible productive use.

There are no demand figures which justify that additional "Wilderness" designation is needed. Many statistics already developed by the Forest Service indicate that consumptive use and developed recreation are the desires of a large majority of National Forest users.

Class 1 clean air regulations continue to be a threat, despite denial by others, and would threaten many potential forest industry expansion opportunities for the Upper Peninsula of Michigan.

Finally, the majority of wilderness designation proponents do not comprehend the aesthetic and wildlife benefits which a well managed forest provides. When visually encountered, studies have shown that most people prefer the managed forest over the unmanaged or wilderness.

HANCOCK, MI.

Senator DONALD RIEGLE, Jr.,
Marquette, MI.

DEAR SENATOR RIEGLE: I wish to express my strong support for your stand against the designation of nearly 90,000 acres of Michigan forestland as Wilderness. I write as a County Commissioner of Houghton County as well as a private forest landowner and biological and environmental science teacher.

My interest in forestry has lead to participation as a citizen volunteer in National Forest Planning, on the forest level, on the Ottawa, and for the Eastern Region. I am a director on the boards of both the Michigan Forest Association and the American Forestry Association. My husband and I are also wilderness users, having spent many weeks in the Isle Royale Wilderness and in the Sierras.

My opposition to this bill does not imply that I am against wilderness, but that wilderness designation in this case is inappropriate. In most cases under consideration, including the Sylvania Tract, Sturgeon River Gorge, McCormick Tract and Big Island Lake, past forest management practices contributed to the aesthetic, wildlife and recreational value which has led to their selection. Selective logging has contributed to, not detracted from, the quality of the forest presently standing. Wilderness designation will not allow those practices which keep a forest vigorous, enhance wildlife habitat and provide variety. It is ironic that good forest management leads to Wilderness non-management.

A second important reason for opposition to this bill lies in the impact it will have on the economic backbone of the Upper Peninsula. This will not only adversely affect logging in the region, but the air quality standards that hold in areas close to Wilderness will mean in practice, no new industrial development in the area. Because our air quality is already of the highest, "no degradation" means essentially no smokestacks. In areas of lower air quality, trade-offs are possible, between new and retired industries, but here we have nothing to trade.

Finally, it is clear that Wilderness advocates are intent on eliminating "forestry" on as many acres of public land as they possibly can. I believe that the Congress has been misinformed and bulldozed into thinking that primitive, extensive recreation, a legitimate forest use, depends on Wilderness designation. In reality what is needed are sensitive, professional management goals with simple public input. We now have that opportunity in the Forest Planning process initiated by RPA. Our National Forest can be managed for wilderness values, wildlife habitat, water quality, aesthetic qualities fishing and hunting, motorized and non-motorized recreation and timber products—not all at the same time in the same place, of course. Far more people can share in their favorite or needed use of this incomparable national resource without this single use, stagnating, exclusive designation.

I appreciate this opportunity to present my view on this legislation.

Sincerely yours,

Barbara G. Clark.

Attachment.

Testimony of Barbara Clark on the Michigan Wilderness Heritage Bill Before the House Subcommittee on Public Lands, July 13, 1985

My name is Barbara Clark. I'm a Houghton County Commissioner, a small, private, non-industrial forest landowner, and a retired highschool science teacher.

To establish my credibility as a witness, I'd like to mention that I have a strong environmental background in training as well as in interest. My interest in forestry has led to my participation as a citizen volunteer in National Forest Planning, both on the forest level, on the Ottaws, and for the Eastern Region. I am a director on the boards of both the Michigan Forest Association and the American Forestry Association. My husband and I are also wilderness users, having spent many cumulative weeks in the Isle Royale Wilderness, and just last week, hiking in the Golden Trout and John Muir Wildernesses in the California Sierras.

I would like to begin by stating my opposition to the bill under consideration, I will try to explain why.

First, some historical background. In 1984, when the Wilderness Act was passed, there was little, if any, way individuals could influence agency policy—National Parks and Forests management decisions were not subject to prior public scrutiny. Business and development interests did have that access, however, by virtue of lobbyists and influence in Washington.

In 1976, when the Isle Royale Wilderness was established, the Park policy was that of developing accommodations, some pretty exotic, for all comers, the more the merrier! National Parks, in general, were more sensitive to the public availability of the resources they managed than the "protection for future generations" part of their mandate. Wilderness designation happily changed that attitude dramatically.

National Forests were allowing huge clearouts with little regard for recreation, water quality or aesthetics, while meeting recreational demands with ever bigger and more developed campgrounds. The situation is very different now. Congress first mandated multiple use management on the National Forests and then created a complex planning cycle which involves public input at every level. There is universal, and as far into the future as the eye can see, concern for providing the forest and park user with a "quality experience" for protecting the environment, maintaining habitat for fish, birds and land animals, protecting endangered plants and animals, being sensitive to visual impacts and aesthetics—in fact, so many concerns must be balanced and juggled (along with the budgets to meet them) that it's a wonder any of the plans get off the drawing board, if they do.

In addition to this changed situation, another change has occurred since these Wilderness Act were passed. This is the realization that the intended unmanaged nature of Wilderness stress—the "primarily natural forced" directive—is not realistic. No area escapes the man-made effect of atmospheric fallout, chemical and atomic. Overuse by zealous users, fire, disease and other conditions must be managed somehow. Trails, privies, tent sites and firecircles must be engineered and constructed to protect the wilderness aspect. Habitat needs to be manipulated to support an endangered or rare plant or animal.

At the same time, candidate areas for Wilderness designation have strayed considerably from the "pristine condition" originally intended by the Act. My point is that while it filled a need at the time, both the intent and the administration of the Act has become so diluted as to be meaningless here.

I address specifically those areas for consideration with which I have direct experience:

1. Sylvania.—This area, once a vast family estate, was originally guaranteed by the Forest Service to be managed for multiple use, if acquired, including logging—important to the local economy. That promise has already been welched on. There were three or four mansions on the property, with garbage dumps, connecting, well maintained roads, boat houses and docks on the lakes. It has an unusual diversity of forest species—big beautiful trees, which, if left to nature, will reach old age, disease, decay and blow down at about the same time. If left alone, the species diversi-

ty in trees and wildlife, will decline, as only a few kinds of trees can reproduce in the complete shade of a mature forest.

2. Sturgeon River Gorge.—Here hardy hunters, picnickers and campers have been coming for ages because of the beauty and variety. They have left garbage and lost control of campfires. The gorge is extremely sensitive to erosion and the need for safe, developed trail construction exceeds my idea of Wilderness. Ownership by the Power Company of the central part of the tract was originally to protect the watershed of a small hydroelectric plant on the edge of the area. Level "Garage Plains" acreage has been logged repeatedly and should continue to be, to maintain the Jack Pine forest, which only regenerates when clearcut.

3. McCormick Tract.—Both psychological and forestry research is occurring in this tract. These activities do not require Wilderness designation to continue or protect these programs.

4. Rock River Canyon.—Fishing and hunting are major uses here, and old logging roads were major forms of access before Rare II restrictions caused them to be blocked.

5. Big Island Lake.—This area has been extensively logged. Old roads, even a railroad grade, and assorted ancient junk from early days are present. The fact that this and previously mentioned areas are even remotely appropriate for Wilderness designation supports the "renewable" nature of forests—and this renewal has taken place while under forest management.

In arguing against Wilderness designation, I do not mean to imply that I do not recognize and advocate wilderness values. I mean only to suggest that legislative designation with its cloudy criteria and inconsistent allowable management prerogatives is not the only, or best, way to enhance these values.

In Michigan, particularly, we well understand the importance of our forests, public and private, both in supporting a growing forest industry and in providing recreational opportunities for our people and thousands of visitors yearly. And there is a growing demand for solitary, wilderness-type recreation here, as elsewhere. I am utterly confident that no matter how this legislation is hedged with assurances that remaining forest land will not be further considered, pressure for Wilderness restrictions will continue as long as there were people who seek relief from crowded concrete canyons. There will never be enough Wilderness to satisfy this demand.

I believe as well that for the vast majority of users, the presence of other people on the trails and overused camping areas cheapen their recreational experience for more than a mossy stump or an overgrown road, splashed with daisies or goldenrod.

One solution might be to include a specific number of miles of wilderness trail as a management goal, subject to change in response to public demand through the planning process. Trails could be relocated when harvest operations, habitat improvement, silvicultural treatment or other distracting practices were appropriate—relocated to other areas where time and management had erased the sores and restored the natural appearance, as we now find for the same reasons in the areas here under consideration.

Certainly we must share our public forest heritage. Timber must be valued for more than its board-feet, and all uses of the forest must be recognized and accepted as legitimate. Conflicting uses can be separated, not only by geography, but also by time. And there is no reason why a tree cannot be habitat, beauty, and solace to the soul during its decades of life—that may end as furniture or fuel. This kind of sharing is not permissible in Wilderness.

Testimony of Richard Dunnebacke, Executive Director, Operation ACTION U.P. Before Informal Meeting of the Public Lands Subcommittee of the U.S. House of Representatives, Committee on Interior and Insular Affairs, July 13, 1985

My name is Richard Dunnebacke, Executive Director of Operation ACTION U.P., an industrial league in the Upper Peninsula comprised of about 100 members. I am speaking in behalf of the organization, and specifically in behalf of our board of directors.

At a time when Michigan is making maximum new efforts to develop jobs and business in the forest industry, we feel it unwise and premature to withdraw any more land from possible productive use in the future. A resolution passed by our board on June 27 strongly objecting to H.R. 148 is attached as part of this testimony.

While the number of acres involved is a modest percentage of total forest in the U.P., nonetheless, it is a valuable timber resource worth millions of dollars and able to supply critically needed saw logs to our secondary manufacturing industry.

Many have said that Michigan is cutting only one-third to one-half of the wood resources growing in our forests each year. But I challenge the committee to find a single witness who will testify that there are too many saw logs in the U.P or that there is an oversupply of manufacturing raw material. In fact, we often hear the contrary from flooring manufacturers, furniture makers, dimension stock mills, kitchen cutting board plants, wood turners, and the like. They often grieve that the supply of quality sawtimber is already touchy and must be managed with extreme care. The subtraction of 90,000 plus acres in this situation is a major impact and not to be done without overpowering and urgent reasons.

The location of the Sturgeon Gorge, McCormick Tract, and Sylvania Forest are particularly critical. They are all quite close together and form a 50,000 acre block which is surrounded by secondary manufacturers using the king and quality of mature sawtimber they contain.

For example, we are currently working with two major prospective manufacturers who have interest in the central U.P. specifically because of the sawtimber and species now growing in this area. More than 500 jobs are involved. If H.R. 148 passes, I can say with assurance it is very unlikely that these manufacturers will ever expand into the Upper Peninsula. Since there are only 12,000 persons in the entire manufacturing work force of the U.P., this means we would lose another 4% of the primary, value-added type of jobs which are the basic engine of our economy.

The acreage in H.R. 148 may appear to be small, but their impact on U.P. jobs is not. Counting the existing manufacturers depending on solid saw logs in the Central U.P. alone, more than 1500 jobs are affected. Moreover, who can say in the long range future how important these forest lands will be to our economy? The state, regional and local government units in the Upper Peninsula are busting their proverbial britches to develop the forest industry. I know of one whole manufacturing sector in New England which is a prime target to expand here, but not without access to reasonable harvesting on public as well as private lands.

At a time when even the U.S. Forest Service has not completed its planning phase for the Ottawa and Hiawatha, including wilderness plans, we feel that it would be less than judicious and perhaps irresponsible for anyone to cause the U.S. Senate to consider designating any further wilderness in the Upper Peninsula. It is premature, we have more than 500,000 acres managed as wilderness already, and we need the flexibility of using federal forest lands as productive, harvestable, industry-and-job supporting resources in the future.

We therefore thoroughly opposed passage of H.R. 148 and ask Congressman Dale Kildee to reconsider his position as an outsider to this area, and to listen carefully to those who live, work and study here.

Attached news release.

[News Release]

Yesterday, June 27, 1985, the Executive Committee of Operation ACTION U.P. adopted a resolution (enclosed) strongly opposing the designation of any more wilderness areas in the Upper Peninsula.

"At a time when maximum state, regional and local efforts are being made to develop jobs in the Michigan forest industry, it is felt to be unwise to withdraw any more land areas from possible productive use in the future," said William Veeser, Chairman.

"Existing laws permit management of natural scenic areas for safe protection and preservation into the future. However, the federal legal designation of wilderness locks up land forever and does not permit wise management for the future, nor access by majority of the people," he added.

Operation ACTION U.P. urges Congress not to adopt H.R. 148, the so-called Michigan Wilderness Heritage Act, and instead asks Congress to release land now held as possible future wilderness into balanced multi-use management.

Enclosure.

Resolution on Wilderness

Whereas, more than 500,000 acres of Upper Peninsula land are already managed as wilderness by state or federal authorities, and

Whereas, state and federal agencies own and control more than 40% of total land area in the Upper Peninsula, and

Whereas, federal wilderness designation is the most restrictive, inflexible and non-productive zoning designation ever devised, and

Whereas, existing laws are already in place to protect and preserve notable natural areas and scenic attractions, and

Whereas, valuable timber for the state-targeted forest products industry does grow on parts of the 90,000 acres presently proposed for wilderness, and

Whereas, Class I clean air regulations continue to be a threat, despite denial by others, and would form an umbrella over the entire U.P. thereby making it impossible for even existing industry to survive, and

Whereas, most people, when they actually see them, prefer forests managed under multiple-use policy which makes them more diversified, more beautiful, more wildlife, more accessible, and certainly more productive,

Now therefore be it resolved, that Operation ACTION U.P., the only economic development organization serving the entire Upper Peninsula, hereby strongly opposes adoption by Congress of H.R. 148, the so-called Michigan Wilderness Heritage Act of 1985, and vigorously urges that no more federal wilderness designations be made in the U.P. We ask instead to let existing laws do the job of preservation as they have done well for decades. Let pristine areas be preserved, but under existing multiple-use laws which do not jeopardize balanced harvesting of ripe forest resources nor needlessly choke off badly needed forest industry jobs in the Upper Peninsula.

Adopted by Executive Committee, June 27, 1985.

MICHIGAN UNITED CONSERVATION CLUBS,
Lansing, MI, September 15, 1986.

Senator DONALD RIEGLE,
Senate Office Building,
Washington, DC.

DEAR SENATOR RIEGLE: We are somewhat dismayed that you have asked the Senate Agriculture Committee to hold hearings on the Levin Wilderness Bill. We hope most sincerely that you will maintain your opposition to the designation of additional wilderness in Michigan. We are particularly concerned since reviewing the management plans for the federal forests in our state. These plans create thousands of new acres of defacto wilderness. There are acres which the Congress has had nothing to do with setting aside but nevertheless will add to those lands which are unavailable for any kind of harvest and in which access will be severely limited to thousands of our citizens. We urge you to hold fast on your previous position regarding more wilderness designation.

Very truly yours,

THOMAS L. WASHINGTON,
Executive Director.

STATEMENT OF F. DALE ROBERTSON, ASSOCIATE CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, CONCERNING S. 1767

Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify for the Department of Agriculture regarding S. 1767, a bill to designate certain public lands in the State of Michigan as wilderness, and for other purposes.

The Department of Agruculture recommends enactment of S. 1767, if amended.

The "Michigan Wilderness Act of 1985" would designate as wilderness, one area on the Manistee National Forest, three areas on the Ottawa National Forest, and five areas on the Hiawatha National Forest, for a total of about 82,000 acres. This bill reflects much of the thought which has gone into National Forest planning efforts in the State of Michigan, and it would create the first National Forest System wilderness areas in the State. The remaining roadless areas of about 19,200 acres would be released to be managed according to Forest Plans.

NORDHOUSE DUNES, MANISTEE NATIONAL FOREST

S. 1767 would designate 2,830 acres as the Nordhouse Dunes Wilderness in the Manistee National Forest, while 3,395 are recommended for wilderness study in the final Forest Plan. The most striking features of the areas are the 3.2 miles of undeveloped Lake Michigan shoreline and the parallel sand dunes. The dunes are about 140 feet high, and they surround small parcels and plateaus of woody vegetation. The varied environment provides hikers with a physically challenging and interesting experience. Nordhouse Dunes would be the first Federal wilderness area in the Lower Peninsula of Michigan.

There is a high potential that significant oil and gas reserves underlay the Nordhouse Dunes area. The Federal Government owns only a small portion of these reserves. Within the area proposed for wilderness, there are 1,930 acres of privately owned mineral rights and 675 acres of State mineral rights. If oil and gas resources are discovered, the owners of the private mineral rights will almost certainly want to exercise their rights. The value of these rights is unknown, but could be worth several million dollars if oil and gas is discovered.

Due to the potentially high cost of obtaining the mineral rights in Nordhouse Dunes, we strongly oppose wilderness designation at this time. We recommend that S. 1767 be amended to designate Nordhouse Dunes a Wilderness Study Area.

This would enable us to determine whether realistic options exist to manage the area as wilderness while maintaining its potential for oil and gas production.

SYLVANIA, OTTAWA NATIONAL FOREST

The Sylvania area comprises about 18,300 acreas in the Ottawa National Forest. It straddles the Mississippi River-Lake Superior divide and features an abundance of lakes with excellent water quality. The undisturbed character of the forests, the presence of several nesting pairs of bald eagles, and two known Michigan listed threatened plant species provide an opportunity for scientific study and education. Forest planning indicates this area has high wilderness characteristics and offers excellent semi-primitive recreation opportunities, including backpacking and canoeing.

Within the proposed Sylvania wilderness are three lakes (Big Bateau, Devils Head, and Crooked Lake) which have established motorboat use. Section 4(d) of the Wilderness Act (P.L. 88-577) allows for use of motorboats within wilderness when such use is established prior to wilderness designation. If designated as wilderness, the Sylvania area will be managed for continuing use of motorboats, insofar as such use will not negatively impact wilderness values.

We recommend this area be added to the National Wilderness Preservation System.

STURGEON RIVER GORGE, OTTAWA NATIONAL FOREST

The Sturgeon River Gorge area of about 15,600 acres is in the northeast portion of the Ottawa National Forest. It contains the Sturgeon and Little Silver rivers. The Sturgeon is listed in a nationwide rivers inventory for its potential for inclusion as a National Wild and Scenic river. The major attractions are the Sturgeon River, its rapids, falls, and the gorge itself.

There is little mineral potential in the area. A private utility company owns nearly 1,900 acres of the Sturgeon River Gorge, which represents an important part of this proposed wilderness. In view of other priorities and the Federal budget deficit, we are very concerned about the potential cost of this acquisition. To insure that there is no direct or implied obligation for Federal purchase of this tract, we recommend that S. 1767 be amended to require that any acquisition of this tract be done through exchange rather than purchase. If an exchange proposal cannot be worked out with the utility company, the land can remain a private tract within the wilderness with reasonable access provided by the Forest Service as now required by law.

S. 1767 recommends a boundary for the Sturgeon Gorge area which is different from the boundary identified in the Forest Plan. The bill includes an area in the north end of the proposed wilderness which contains about 600 acres of private land in numerous ownerships. Inclusion of this area would complicate management of the area. We are not in favor of adding areas to wilderness which could involve a costly land acquisition problem. In addition, the bill would delete three areas which are recommended in the final Forest Plan. We prefer the boundary in the Forest Plan.

ROCK RIVER CANYON, HIAWATHA NATIONAL FOREST

The Rock River Canyon area in the Hiawatha National Forest contains about 5,285 acres. The canyon area of Rock River and Silver Creek contain fragile areas of unusual plants communities as well as easily eroded soils on steep slopes. The canyons' unique and fragile environment will need careful management to ensure its preservation. Limiting access to the uplands surrounding the canyons may be necessary.

Four private parties and the State of Michigan own the mineral rights to 93 percent of the area, although sand is the only known mining potential. Federal ownership accounts for about 87 percent of the gross surface acreage. We support designation of this area as wilderness.

BIG ISLAND LAKE, HIAWATHA NATIONAL FOREST

The Forest Plan documents that the Big Island Lake area of about 6,000 acres is well suited for wilderness. Twenty-three small, clear lakes located among hardwood-covered hills are linked by portage trails and offer excellent recreational opportunities for canoeists. Other primitive recreation experiences include fishing, hiking, hunting, backpacking, and cross-country skiing.

Sand is the only known mineral in the area. Land ownership is 97 percent Federal. The wilderness boundary identified in S. 1767 is adjacent to the town of Steuben. We recommend the boundary be located as identified in the final Forest Plan, which will preserve solitude within the wilderness.

MACKINAC, HIAWATHA NATIONAL FOREST

The Mackinac area of about 12,400 acres is referred to as "Carp River" in the Forest Plan for the Hiawatha National Forest. The Carp River offers challenging canoeing. Fishing and hunting opportunities are attractive, with an abundant variety of fish and game in the area. No known minerals of economic value are known to exist in the area, although 89 percent of the area is covered by non-Federal mineral rights. Ninety-nine percent of the surface ownership is National Forest System land, with only 40 acres privately owned. The final Forest Plan contains ample documentation to recommend this area as wilderness, and we concur with this portion of S. 1767.

HORSESHOE BAY, HIAWATHA NATIONAL FOREST

The Horseshoe Bay area of about 3,900 acres is located on the north shore of Lake Huron. The area contains seven miles of undeveloped lake frontage on Horseshoe and St. Martins Bays. The shoreline supports waterfowl and other water-oriented wildlife. Bald eagles and osprey use the large white pine along the shoreline for nesting and feeding. Ninety-six percent of the surface area is National Forest System lands. The final Forest Plan recommends this for wilderness study and we support its addition to the National Wilderness Preservation System.

ROUND ISLAND, HIAWATHA NATIONAL FOREST

The 378-acre Round Island was formally classified as a Scenic Area by the Forest Service in 1958, and the Round Island Lighthouse is on the National Register of Historic Places. Recreational interest in the island is primarily as a picturesque, rugged complement to Mackinac Island. Although close to main boating routes and popular Mackinac Island, Round Island is perceived by the public as a secluded, quiet place.

No commercial potential exists on the island, and all mineral rights belong to the Federal Government. The final Forest Plan documents that there would be little public opposition to wilderness designation of the island, and we support the inclusion of Round Island in the National Wilderness Preservation System.

MC CORMICK, HIAWATHA NATIONAL FOREST

The 16,868 acre McCormick area is comprised of the Cyrus H. McCormick Experimental Forest. The divide between Lake Superior and Lake Michigan watersheds crosses the area. Major attractions include 18 lakes, waterfalls on the Yellow Dog River, (which is a National Wild and Scenic study river;) and the overall rugged, isolated, unspoiled character of the mature forest in the area. Excellent opportunities for solitude make the area desirable for semi-primitive recreation experiences. Based on current information, there are no mineral resources in the area.

The final Forest Plan indicates strong support for designation of this area wilderness, and we concur with that recommendation.

S. 1767 contains standard release language, therefore, all National Forest land in Michigan not designated as wilderness would be released for non-wilderness management upon enactment of S. 1767. We concur with this release language, with the exception of Nordhouse Dunes. As indicated earlier, we strongly believe this area should be formally studied to determine whether it should be designated as wilderness.

As recommended for Sturgeon River Gorge, we expect that any private land aquisition within wilderness areas designated by this bill would be by land exchange, rather than purchase.

In summary, we recommend the bill be amended to designate Nordhouse Dunes as a Wilderness Study Area, that language be added to indicate that all private lands in Sturgeon River Gorge be acquired primarily through exchange rather than purchase, and that the boundary for Sturgeon River Gorge follow the recommendation of the Forest Plan.

This concludes my prepared statement. I would be pleased to answer any questions the Subcommittee might have.

STATEMENT OF F. DALE ROBERTSON, ASSOCIATE CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, CONCERNING S. 2563

Mr. Chairman and members of the subcommittee, I am pleased to have this opportunity to present the Department of Agriculture's views on S. 2563, a bill to modify the boundaries of five wilderness areas in the State of Texas. These areas were designated as wilderness by the Texas Wilderness Act of 1984.

The Department of Agriculture supports that S. 2563 only if all the parcels of private land are not included within the wilderness. We also recommend that two blocks of National Forest System land not be designated as wilderness.

S. 2563 would adjust the boundaries of five Texas Wilderness areas—Big Slough, Indian Mounds, Turkey Hill, Little Lake Creek, and Upland Island. The bill would add approximately 1,141 acres of National Forest System lands and, 693 acres of private land, while deleting about 70 acres of National Forest System land. For the subcommittee's convenience, a summary table of the proposed modifications is attached to my statement.

In implementing the Texas Wilderness Act of 1984, we identified several opportunities to make the boundaries more visable to the public and to otherwise facilitate wilderness management. We suport the boundary changes that improve public recognition and management efficiency. We do not support any additions which would include privately owned lands within a wilderness. Many of the private tracts would be difficult to exchange, because there are many owners who are not likely to be interested in land exchange. Also, due to higher priority land acquisition needs and the Federal budget deficit, we do not support purchase of these areas.

We also have serious concerns relating to the inclusion of two blocks of National Forest System land within two of the wilderness areas. The first is a block of 213 acres located on the southeast corner of Upland Island Wilderness. This area would not add significantly to the wilderness character of the area. Furthermore, this National Forest area would become a small wilderness island if the adjacent private land, and cemetery access road are left out of the wilderness as we recommend. The second is a block of 48 acres on the south side of Big Slough Wilderness. This addition would also complicate wilderness mnagement for the following reasons: (1) it would create an irregular boundary along private land; (2) it would require the closure of several existing roadways that are currently used by motorized vehicles; and (3) it would reduce opportunities for the development of fire breaks, and the control of the southern pine beetle.

In summary, we support the boundary modifications that would include small additional areas of National Forest System land within the Indian Mounds and Little Lake Creek Wilderness. We also support minor boundary modifications along roads in the Indian Mounds, Turkey Creek, and Upland Island Wilderness. We do not support the inclusion of additional private lands within any of the wilderness areas. Neither do we support inclusion of additional National Forest System land within the Big Slough and Upland Island Wilderness.

This concludes my statement. I would be happy to answer your questions.

USDA
SUPPLEMENTARY STATEMENT

WILDERNESS AREAS
NATIONAL FORESTS IN TEXAS

SUMMARY OF MODIFICATIONS OF BOUNDARIES PROPOSED BY S. 2563

WILDERNESS AREA	DESIGNATED ACRES	MODIFICATION PROPOSED/ OWNERSHIP	PROPOSED ACRES
Big Slough	3,000	1) Include 2 parcels of private land	+ 55, +3
		2) Add block of NFS land	+448
Indian Mounds	9,946	1) Add NFS land in cancelled timber sale areas	+ 87
		2) Add 2 tracts of NFS land in oil & gas area	+ 48, +145
		3) More boundary to edge of existing R-O-W of State highways	- 58
Turkey Hill	4,500	1) Include block of private land	+300
		2) Move boundary from 100' to 33' from centerline of FS roads	+ 35
Little Lake Creek	4,000	1) Add NFS land in cancelled timber sale area	+ 86
		2) Move boundary from 100' to 33' from centerline of FS roads	+ 56
		3) Delete tract of NFS land	- 3
Upland Island	12,000	1) Add tract of NFS land	+213
		2) Include 4 parcels of private land	+100,+50,+160,+25
		3) Delete tract of NFS land	- 9
		4) Move boundary from 100' to edge of railroad R-O-W	+ 23
Total, Additional Acres			1,834
Total, Deleted Acres			70

STATEMENT OF F. DALE ROBERTSON, ASSOCIATE CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, CONCERNING S. 2838

Mr. Chairman and members of the subcommittee, I am pleased to have this opportunity to present the Department of Agriculture's views on S. 2838, a bill to add certain National Forest System lands in the State of Georgia to the National Wilderness Preservation System.

The Department of Agriculture recommends that S. 2838 be enacted.

The bill would add four new wilderness areas and one wilderness addition to the National Wilderness Preservation System. All areas are in the Chattahoochee National Forest, and they all are consistent with recommendations in the final Forest Plan.

The proposed Raven Cliffs Wilderness contains about 8,500 acres. Numerous streams, waterfalls, rock outcrops, and high mountain peaks give this area a very high scenic quality. No known commercial mineral deposits exist in the areas, and there are no existing oil and gas leases. About 6.6 miles of the Appalachian Trail cross the area along the crest of the Blue Ridge Mountains.

The proposed Brasstown Wilderness of about 11,000 acres includes the Brasstown and Wolfpen areas identified in the Forest Plan. Scenery in the area is outstanding, with fast flowing streams cascading through steep narrow gorges. There are no known mineral deposits within the area, nor are there any oil and gas leases or applications for such.

The proposed Tray Mountain Wilderness includes about 9,700 acres. The Appalachian Trail is a major attraction, and the area is very popular for hunting and trout fishing. The area is easily accesible, and its scenic qualities, abundant wildlife, and botanical diversity attracts significant recreation use. Although there are some imprints of past uses, these will vanish with time. There is no current mining activity, and no permits have been issued. About 2,300 acres have been leased for oil and gas exploration.

The 9,600-acre Rich Mountain Wilderness proposal has scenic characteristics similar to the other proposed wilderness areas. The primary attraction is the Rich Mountain Wildlife Management Area. There are no known mineral deposits within the area, but most of the area has existing oil and gas leases.

The proposed Cohutta Wilderness addition containing about 2,900 acres is a logical addition to the existing wilderness. No known mineral deposits exist in the area.

In summary, we support S. 2838 as a logical addition to the National Wilderness Preservation System in the State of Georgia.

This concludes my prepared statement. I would be pleased to answer any questions the Subcommittee might have.

STATEMENT OF GERALD A. DERKS, MUSKEGON, MI

Gentlemen, I represent the primary royalty interest in this 1496 acre tract and have become very alarmed that there have been so many extended delays in allowing the proper investigation of the drilling prospects of this property. The seismograph has been completed, and these investigations show the property to have a productive capability. I'm most concerned that now we are still experiencing delays in regards to obtaining drilling permits. Obviously, these mineral interests are extremely important to me individually, my family and business associates, and we are most anxious to be allowed to explore for oil and gas on this property, as should be our right.

In September 1962, the surface of this property was acquired from me and my affiliated interests, under a Threat of Condemnation from the U.S. Department of Agriculture/Forest Service. We had acquired the property for it's long term potential, and it represented a valuable investment to us at that time. We were not happy about selling the property to the U.S.D.A., but did cooperate under the terms that were presented to us. Of course, it has developed that the property, had we been able to keep it, would have been worth substantially more than we were paid.— At the time, the U.S.D.A. did not acquired the mineral rights, and these subsurface rights were left to us for future exploration. We are now being unduly delayed in the right to explore for these minerals.

There was substantial evidence at the time that the property was acquired by the U.S.D.A., that there was a mineral potential under this property, for in fact, the property had been leased previously, and as I recall, might have been subject to an oil and gas lease at the time of my acquisition of it. Since September 1962, the mineral rights have been leased to several companies dating back to Shell Oil Company, Monsanto Chemical Company, and currently with Miller Energy Corporation. We feel very strongly that since the U.S.D.A. did not acquire the mineral rights at the time of their acquisition of the surface, that we should be allowed to proceed immediately with the further exploration of this property.

It has been proven in many cases, that responsible drilling/production oil companies, including the long history of Miller Energy, have the ability to develop production in environmentally sensitive areas. I know there have been production in areas that are much more sensitive than those of the Nordhouse Dunes, such as marshlands, along water courses, and in fact, under lakes themselves. This particular property is high and dry and in an area that will be relatively undisturbed. There is no question that the Michigan Department of Natural Resources and the U.S. Forest Service can institute the proper controls on this development so there is no concern about surface damage.

I feel strongly that since the U.S.D.A. did not acquire the mineral rights at the time of their purchase, that we should be allowed to proceed in the orderly development of the oil and gas potential of this 1496 acres.

STATEMENT OF MICHAEL J. MILLER ON BEHALF OF INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA AND THE MICHIGAN OIL AND GAS ASSOCIATION

Mr. Chairman and subcommittee members, I am Michael J. Miller and I am appearing here today as a representative of Miller Brothers Oil Corporation of Allegan, Michigan. My testimony is also presented in behalf of the Independent Petroleum Association of America and the Michigan Oil and Gas Association.

For the record, the Independent Petroleum Association of America is a national association representing the 12,000 independent, domestic explorer/producers of crude oil and natural gas. Virtually all of the oil and gas exploration and production activity of the IPAA membership takes place within the "lower 48" states of the United States. Independents drill 80 percent of all wells and 90 percent of all exploratory wells directed at finding new oil and natural gas. Independents made 80 percent of the significant oil and gas discoveries, according to the American Association of Petroleum Geologists in their latest report covering the years 1969–1978. Furthermore, the independent oil and gas people produce about 40 percent of the total output of crude oil and natural gas in the lower 48 states.

The Michigan Oil and Gas Association is a statewide association representing 1,500 of our states explorer/producers of oil and natural gas.

Mr. Chairman, over the past several years several witnesses have appeared on behalf of the IPAA in order to state their views on several pieces of RARE II legislation. In essence, we have urged Congress to adopt balanced legislation which would satisfy the multiple uses of the public land. We have stressed the need for protection of special, environmentally-sensitive lands, while advocating the return to multiple use of less sensitive lands, which are still subject to restrictions and stipulations to protect the environment from unnecessary operational impacts. We believe such a balance can be achieved.

Our position has four basic components:

1. Areas should be explored for their mineral potential before being locked away into a highly restrictive single-use management prescription;
2. Balanced wilderness legislation can only be achieved with the permanent release of lands determined to be unsuitable for wilderness;
3. The continued wilderness study of RARE II lands must be terminated, and the legal sufficiency must be statutorily affirmed;
4. Any wilderness legislation must include the protection of valid existing rights.

Let me elaborate on IPAA's overall viewpoint concerning wilderness legislation. We are not categorically opposed to the designation of wilderness areas. We recognize that there clearly are lands which are sensitive and unique, and which qualify for special management and protection. However, we believe there are several factors which must be taken into account in the determination of what type of protective management is warranted or required for these lands.

First, an area's subsurface resources are potentially as important as an area's surface resources. We believe that an area's mineral resources should be explored and produced prior to placing it in a highly restrictive status. This was the approach taken by Congress for designated wilderness areas when it provided, in the 1964 Wilderness Act, a 20-year window for mineral exploration and development before permanently withdrawing these lands from access.

A recent study by a team of geologists for the U.S. Geological Survey assessed the undiscovered oil and gas resources in both onshore and offshore provinces. Two areas selected for special study were the Wyoming-Utah-Idaho Thrust Belt and the

Beaufort Sea, areas selected because they are frontier areas widely believed to have significant oil and gas potential. The geologists point out that oil and gas resources are not uniformly distributed. Citing the Wyoming-Utah-Idaho Thrust Belt as an example of an area which had no obvious potential only a few years ago, the U.S.G.S. concluded that: "the right combination of (1) thick sedimentary sections, (2) rich and mature source rocks, (3) excellent reservoirs, and (4) adequate trapping features can transform previously nonprospective provinces into highly prospective ones.

More importantly, the U.S.G.S. demonstrated the tremendous impact these relatively small areas, such as the area in Michigan under discussion today, have on the total U.S. undiscovered resources of oil and gas, by showing that only 1.5 percent of the total U.S. sedimentary area contains 18 percent of the total U.S. conventional resources of undiscovered oil and 16 percent of the total undiscovered gas resources.

Congress is now faced with decisions as to what is the highest and best use of the RARE II lands under consideration in this legislation. In order to determine the best use of this land, however, the Congress must have all the relevant information about the land's resources—both surface and subsurface. If the mineral resources are unknown because exploration has been prohibited, then a critical component to sound decision-making is lacking.

The second factor which should be taken into account in determining what type of land management prescription is best for these areas, is that a wilderness designation is not the only way an area's surface resources can be protected from harm. Existing statutes, including the National Environmental Policy Act, Federal Land Policy and Management Act, National Forest Management Act, the Clean Air Act, Endangered Species Act, National Historic Preservation Act, and scores of others, provide excellent protection for all of our nation's environmental resources.

In addition, the oil and gas industry has proven that our operations are entirely compatible with the environment. Operational techniques minimize the area and amount of disturbance, and rehabilitation capabilities have reached such a level of competence that the impacts of oil and gas operations are virtually, if not entirely, unnoticeable, and in all cases temporary in nature.

It is our firm belief that the lands proposed for wilderness designation in this bill should first be evaluated for their mineral potential prior to their designation as wilderness. We also recognize that, coupled with industry's technological capabilities to operate safely in environmentally-sensitive areas, the plethora of environmental laws, regulations, and policies make wilderness designation unnecessary to provide adequate protection for the environment.

Now, Mr. Chairman, I will focus on the area of the Nordhouse Dunes for some specific comment.

The Nordhouse Dunes Area referenced in S. 1767 and H.R. 148 is located within the Michigan Niagaran Reef Trend as indicated in Exhibit A.

Oil and gas production from the Niagaran Reef Formation is very substantial and has greately assisted in catapulting Michigan into the top 12 producing states.

Exhibit B is an enlargement of the Nordhouse Dunes Area and further references its location in close proximity of Niagaran Reef production. As can be seen, there is excellent production both to the north and to the south of the Nordhouse Dunes Area. These two exhibits strongly support the excellent potential of large oil and gas reserves within the Nordhouse Dunes Area.

To further support this position, please reference Exhibit C. This indicates the seismograph testing Miller Brothers Oil Corporation has completed to date. This was accomplished with the cooperation and under the watchful eye of the U.S. Forest Service. This testing has furnished substantial evidence that Niagaran Reefs underlie the Nordhouse Dunes Area.

Exhibit D displays the mineral acres which Miller Brothers Oil Corporation has under lease, the large majority owned by individuals. These leases grant Miller Brothers Oil Corporation the right to explore for and develop oil and gas. Miller Brothers Oil Corporation currently intends to continue seismic testing and drill for oil and gas during 1986 and on into the future.

To summarize, the Nordhouse Dunes Area lies within the Michigan Niagaran Reef boundaries and has excellent potential for oil and gas production. Miller Brothers Oil Corporation has spent a large amount of time and dollars in evaluating this area. Equally important, the minerals are owned by individuals. Eliminating the rights of these individuals to have their minerals evaluated could be violating their Constitutional Rights.

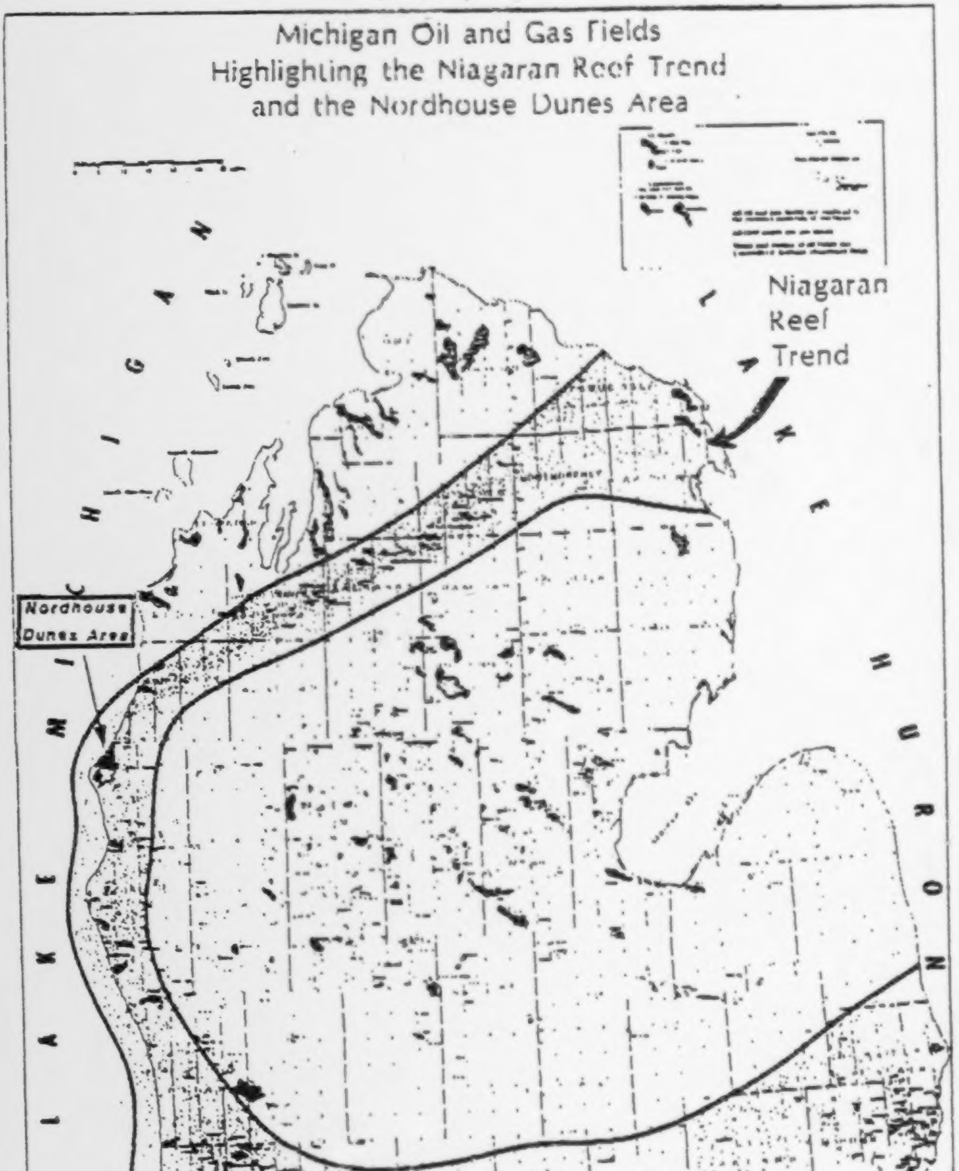
Further, the Nordhouse Dune is not an unique area. This acreage has been subject to multiple use throughout the past many years. Currently the Forestry Service governs the activities which take place within this area. Their rules and regulations are extremely strict and are enforced in fine fashion. In addition to this, any drilling activity in this area would be governed by the State of Michigan, Act 61. (Exhibit E is a letter from the Forestry Service complimenting Miller Brothers Oil Corporation for the fine job done in conducting seismic tests.) Existing laws and regulations afford more than adequate protection for multiple use and development of these lands.

Mr. Chairman, we do wish to make note of several modifications that have been in this legislation since we testified in June of 1985 on the House side.

However, despite these changes, we believe that the 3,000 or so acres in the lower peninsula of Michigan should be removed. As we have stated before, the industry record insofar as conducting environmentally safe operations is well proven. We feel that current environmental requirements already in law and practice very adequately guarantee that an area—including a national forest—will be well protected.

Thank you, Mr. Chairman.

EXHIBIT A



Michigan Oil and Gas Fields Highlighting the Niagaran Reef Trend and the Nordhouse Dunes Area

EXHIBIT B

Reef Locations
Manistee, Mason, and Oceana Cos., MI.

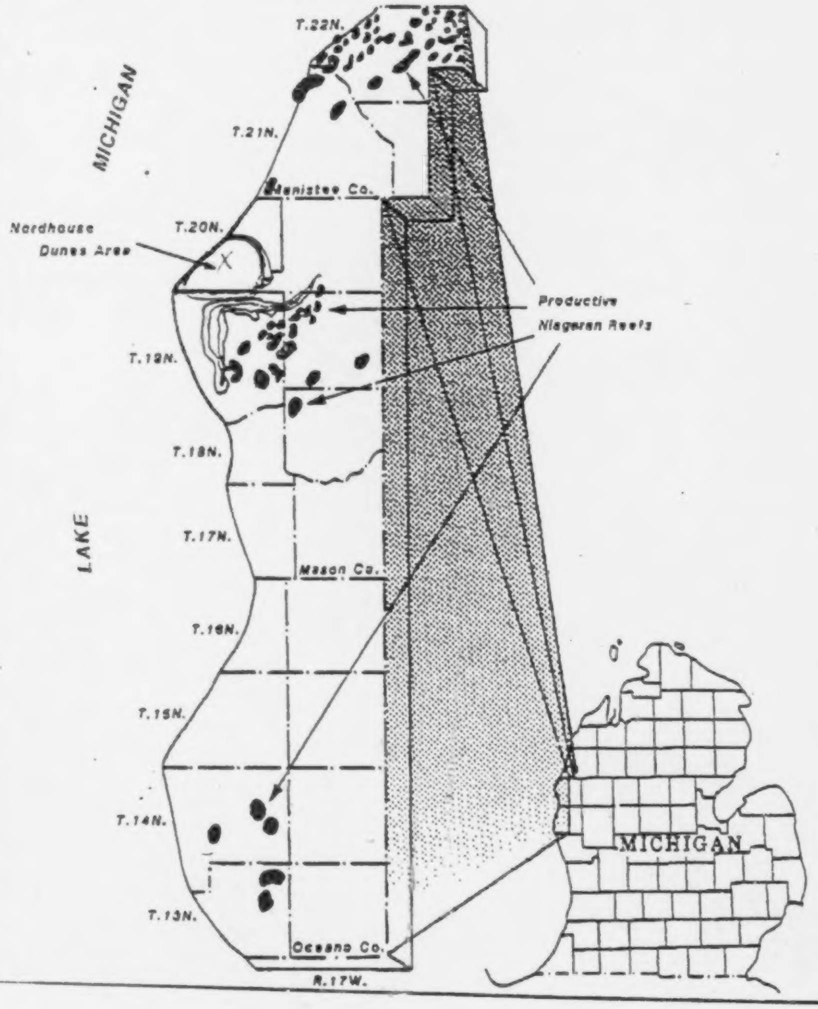
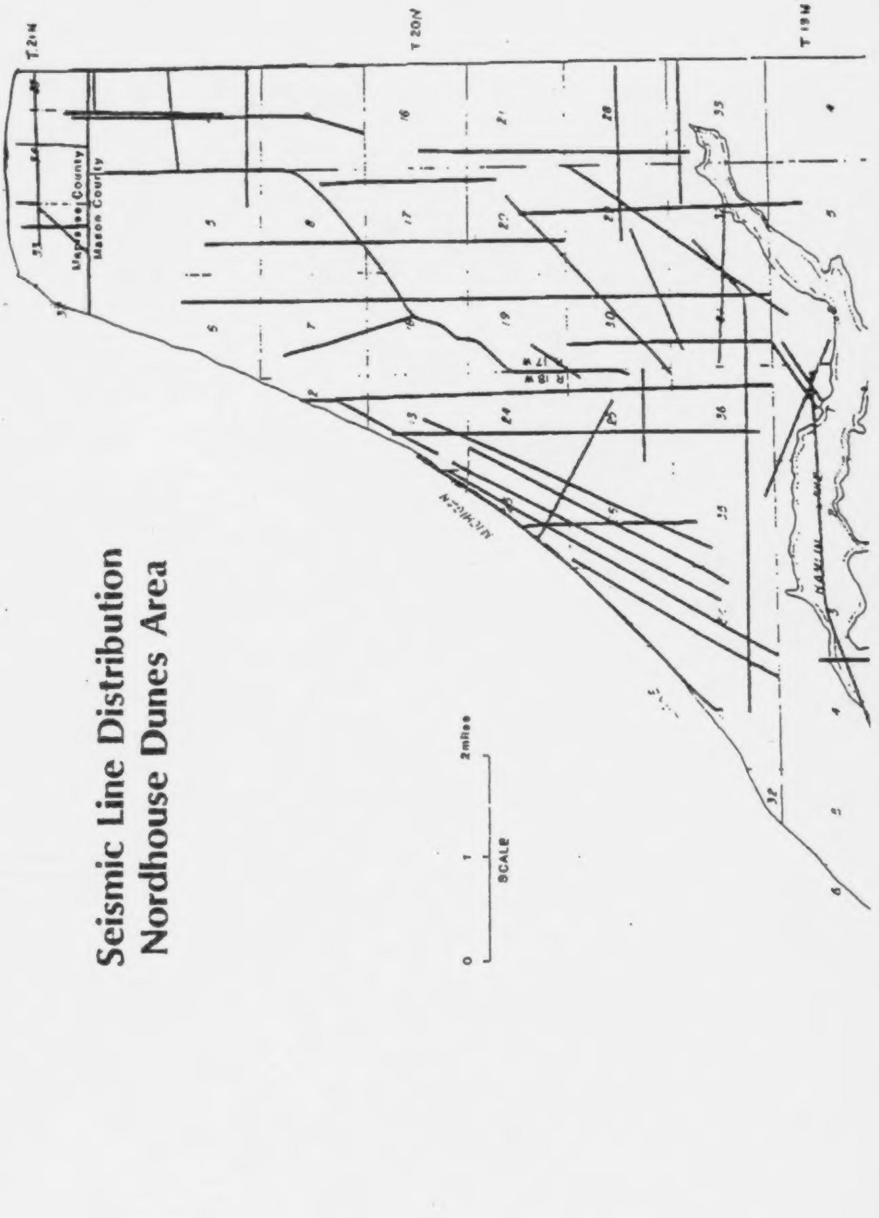


EXHIBIT C

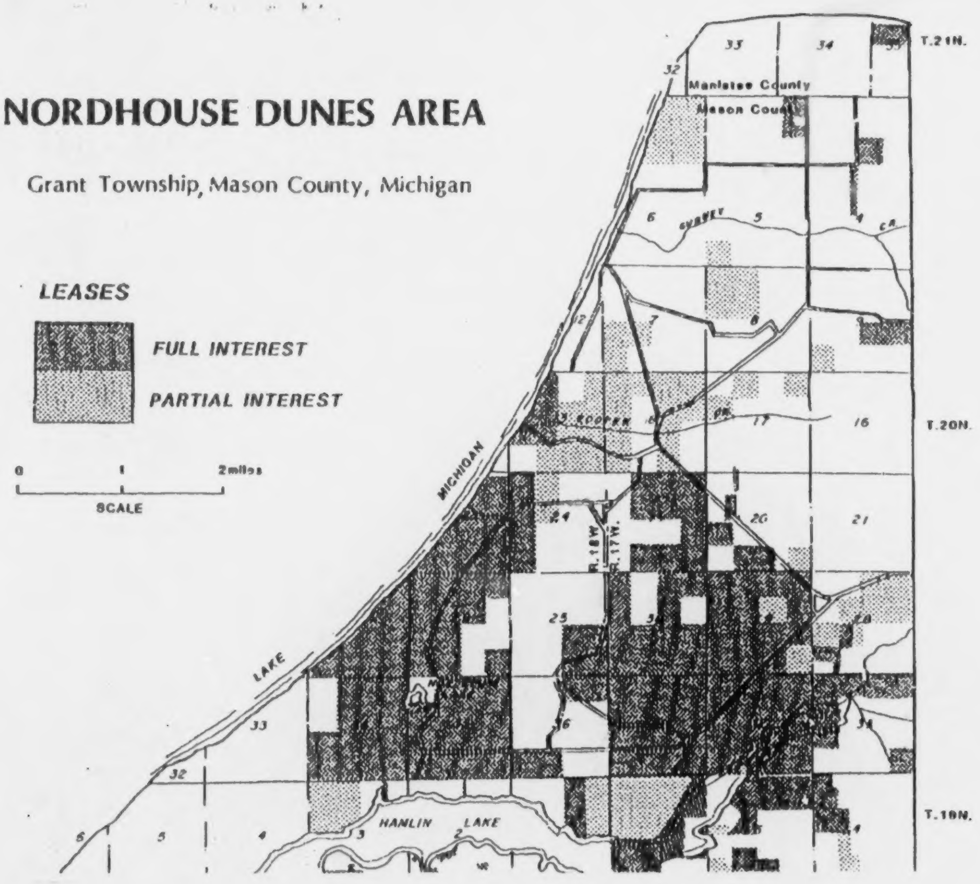


Seismic Line Distribution
Nordhouse Dunes Area

EXHIBIT D

NORDHOUSE DUNES AREA

Grant Township, Mason County, Michigan



[Exhibit E]

FOREST SERVICE,
HURON-MANISTEE NATIONAL FORESTS,
Cadillac, MI, April 18, 1984.

Re Seismic Prospecting Permit, Nordhouse Dunes, Frontier Exploration, Inc.

Mr. MICHAEL J. MILLER,
Vice President—Land, Miller Brothers Oil Corp.,
Allegan, MI.

DEAR MR. MILLER: Thanks for your patience, cooperation and understanding. The seismic crew and your employees did fine work running the lines in Nordhouse Dunes. Your efforts are greatly appreciated.

Sincerely,

WAYNE K. MANN, *Forest Supervisor.*

STATEMENT OF JANE E. ELDER, REPRESENTING THE SIERRA CLUB

Mr. Chairman and members of the committee, I appreciate this opportunity to speak in support of the Michigan wilderness proposals before you today.

I am Jane Elder, Midwest Representative of the Sierra Club. My remarks today will address the Sierra Club's interest in Michigan wilderness as well as my personal concerns.

Michigan was my home for twenty-four years. I deem it a privilege to have been able to come to know wild places of the Great Lakes and the north woods. Michigan is a state rich in natural resources and natural beauty, and when the Forest Service Roadless Area Review and Evaluation concluded in 1977, I was among those hopeful that some of the special places in Michigan's three national forests would be included in the National Wilderness Preservation System. Out of Michigan's vast public lands, only Isle Royale National Park, a portion of the Seney National Wildlife Refuge, and two tiny island groups are included in the Wilderness System.

Since 1977 I have returned again and again to the areas under consideration. Each time I sit by the thundering falls in the heart of Sturgeon River Gorge, or hear the twilight silence at Sylvania shattered by the call of a loon, or feel the cool mist rise off of Lake Michigan in the morning at Nordhouse Dunes, I am convinced again, that these very special places belong in the National Wilderness Preservation System.

Each area is unique. These areas represent nearly every major ecosystem found in Michigan. There are old-growth white pine forests, inland lake systems, Great Lakes sand dunes and sheltered bays, a northern hardwood forest, river canyons and gorges, Great Lakes islands and a vast primeval swamp.

In the summer of 1985 I stood with a group on the shore at Horseshoe Bay. As we gazed down the arching shoreline across the waters of Lake Huron, one of the group asked if there was anything like Horseshoe Bay in the Wilderness System. Another member of the group replied, "No, nothing at all." The response was, "Well, there should be". I am here today to reiterate that sentiment. The areas in these bills are the stuff of wilderness. They are beautiful, wild, and high quality representatives of natural ecosystems.

The bills before you today represent careful compromise reflecting years of review and discussion. Throughout the development of this legislation Sierra Club leaders have worked with the Forest Service, the Michigan Congressional delegation, representatives of the forest products industry, local landowners, scientists, state agencies and countless others to help bring about the best possible wilderness proposal for Michigan's national forests. We are pleased with the results.

When the first Congressional proposal was developed following RARE II, it did not include three candidate areas from the Review. Those three were Norwich Plains, in the Ottawa National Forest, Fibre, in the Hiawatha National Forest, and Bear Swamp in the Huron-Manistee National Forest. The remaining eleven areas were then, and are now, our priorities for Wilderness designation. They are: Sylvania, McCormick Tract, Sturgeon River Gorge, Rock River Canyon, Big Island Lakes, Carp River, Horseshoe Bay, Delirium, Round Island, Government Island, and Nordhouse Dunes.

Many early concerns about Wilderness designation have been resolved through boundary adjustments or clarifying language such as the House committee report. Let me comment on some of these specific refinements.

Of the boundary adjustments, we strongly prefer the eastern escarpment boundary in H.R. 148 for the Sturgeon River Gorge. The House boundary allows for scenic turnouts from the boundary road, but retains protection of the table land above the gorge getween the road and the escarpment. Intensive clearcutting on the opposite side of the road emphasizes the need for protection of the forest cover along the escarpment for both aesthetic reasons and to protect the watershed. The road is a natural boundary and should remain so.

At Nordhouse Dunes, the boundaries should include the Sensibar tract which is entirely in federal ownership and has been for several years. The Forest Service supports this addition.

We are flexible regarding the final boundaries at Big Island Lakes and Rock River Canyon as long as the integrity of the interior of both areas is protected.

We support committee language which gives the Forest Service the option to maintain the existing small dams in the McCormick Tract and at Delirium.

Regarding Delirium, we strongly believe that it should be included in the Michigan Wilderness bill. This vast wetland complex is one of the least disturbed tracts in the state and as such, one of the most valuable for scientific purposes. The matter of the maintenance of the dam at Sylvester Pond can be dealth with through committee language, or, if necessary, boundary adjustment.

At Nordhouse Dunes oil and gas is an issue, and will continue to be an issue regardless of Wilderness designation. The status of the underlying minerals at Nordhouse Dunes should not affect the area's consideration for inclusion in the Wilderness System. The mineral situation is currently under intensive scrutiny at the state level, and the various interests concerned with oil and gas development in the area have been involved in that process. In addition, the House Committee language specifies a careful procedure for oil and gas development in the area. The Sierra Club remains firmly opposed to oil and gas development in the Nordhouse Dunes.

We urge the Senate and the House to move forward with the Michigan Wilderness bill and to work for its passage in the remaining days of the 99th Congress. Thank you for this opportunity to share our views.

STATEMENT OF MICHAEL J. KELLETT, MICHIGAN REPRESENTATIVE, THE WILDERNESS SOCIETY

Mr. Chairman and members of the Subcommittee, I am Michael Kellett, Michigan Representative for The Wilderness Society. The Society is pleased that Senator Levin has recognized the importance of wilderness to the State of Michigan with his introduction of S. 1767, and we commend him for his leadership on this issue. Senator Levin's bill designates approximately 81,660 acreas in three of Michigan's national forests as wilderness. With the addition of two areas, Delirium and Government Island, thereby providing wilderness protection for eleven qualified areas, we will be pleased to support the bill. I am here today on behalf of the Society's 160,000 members to urge the addition of these areas, as well as swift enactment of S. 1767.

Senator Levin's bill would designate nine new wilderness areas in the Huron-Manistee, Hiawatha and Ottawa national forests. Eight of the areas are in Michigan's Upper Peninsula, and one is in the Lower Peninsula. Michigan has over 2.7 million acres of national forest land, more than any other state east of the Mississippi. However, among the thirty-three states with over 300,000 acres of national forest land, Michigan remains the only state without a single acre of national forest wilderness.

When the nine areas in S. 1767, as well as the Delirium and Government Island areas are designated as wilderness, they will represent slightly more than 3 percent of Michigan's national forest land base, and less than one-quarter of 1 percent of Michigan's total land base. Protection of such a relatively small amount of land as wilderness will have no significant negative economic or social impacts. The proposed wilderness areas contain only one-third of 1 percent of Michigan's commercial forest land; timber needs can be more than adequately met by other public and private lands. Current air quality standards will not be affected. So-called buffer zones will not be created. Private property rights will be fully protected, both adjacent to, and within the proposed wilderness areas; property cannot be condemned. Control of wildfires, pests and disease, where necessary, would be assured.

Existing valid mineral rights will be fully protected. Of the proposed areas, only Nordhouse Dunes contains potential significant mineral deposits. Much of the subsurface is privately owned, and some oil and gas rights are presently under lease to a private energy development company. The potential conflicts between the private subsurface and public surface resources were extensively discussed during hearings on Congressman Dale Kildee's Michigan wilderness bill, H.R. 148, in the House Public Lands Subcommittee. We believe the Committee report's language thoroughly dealt with all pertinent issues, and recommend that similar language be adopted by this Subcommittee.

The designation of these areas as wilderness will have significant positive impacts. Tourism will increase—the Forest Service has estimated that if all eleven proposed areas are protected as wilderness, non-motorized recreation use will increase from 10,000 to 109,000 visitor days per year. In addition, these areas will serve as reserviors of clean air and water, quiet and solitude, and essential habitat for numerous species of plants and animals.

These issues are not new. The proposed wilderness areas have been under agency study as well as public scrutiny for the last ten years, beginning with the Forest Service's RARE studies of the late 1970's. Over the last decade a broad base of bipartisan support for protecting all eleven of these areas as wilderness has developed. Numerous private citizens, as well as Governor James Blanchard, the United Auto Workers, the Michigan Forest Products Industry Development Council and editorials in many of Michigan's major newspapers have strongly supported wilderness designation for these areas.

All of the areas in Senator Levin's bill have been, or will be recommended for wilderness by the Forest Service in the final plans for the Huron-Manistee, Hiawatha and Ottawa national forests. While we have strong reservations about many provisions of the Huron-Manistee final plan, and have not yet reviewed the soon-to-be-released Hiawatha and Ottawa final plans, we are pleased that the Forest Service recommended all nine areas for wilderness designation.

We strongly agree that all of these areas are superb examples of the outstanding biological diversity, scenic value and recreational opportunities of Michigan's North Woods. I have personally been fortunate enough to have visited all nine areas in Senator Levin's bill. From wind-swept Great Lakes dunes, to rocky shores; from deep swamps rich with wildlife to secluded lakes where only the call of the loon breaks the silence; from massive stands of old-growth forest to flower-filled open meadows; from clear, meandering streams to rivers thundering though massive gorges, I can attest to the fact that these areas are truly a priceless heritage for the people of Michigan and the Nation. Designation of these areas as wilderness will ensure that they are protected for this and future generations.

We are pleased that, in most ways, Senator Levin's bill is similar to Congressman Kildee's bill, which had strong bi-partisan support in the House. However, two areas in House bill are absent from Senator Levin's bill: Delirium and Government Island, both in Michigan's Upper Peninsula. The Society strongly recommends that these two areas be added to S. 1767. I have had the opportunity to visit Delirium and Government Island, and can confirm that both areas possess outstanding wilderness qualities:

Delirium, in the Hawatha National Forest, is a biologically diverse wetland complex. The area provides habitat for numerous species of wildlife including bobcat, otter, beaver, deer, black bear, ducks, loons, great blue herons and sandhill cranes. The Forest Service has noted that "as natural ecological processes become fully restored, the Delirium Area may become a fully authentic wetland ecotype in which the gene pools of all flora and fauna would be maintained." In addition, there is no other area like Delirium anywhere in the National Wilderness Preservation System, in terms of the quality, extent and nature of this area's wetland resource. Delirium's unusal combination of biological, geological and hydrological factors make this area eminently suited for wilderness protection.

Government Island (or Les Cheneaux), also in the Hiawatha National Forest, is the sole remaining undeveloped island in the thirty-two-island Les Cheneaux Islands chain, east of the Straits of Mackinac. Accessable only by boat, this area is covered with hardwood forests and offers ample undisturbed Lake Huron shoreline. Once the domain of native Americans and the legendary Voyageurs, the island now provides excellent wildlife habitat, and offers significant opportunities for recreation and nature study in a natural setting. Along with Round Island, which is already included in S. 1767, Government Island would be one of only two Great Lakes island wildernesses in our entire national forest system.

The Wilderness Society urges that S. 1767 be amended to include the Delirium and Government Island areas, and that the bill be reported favorably and quickly to the floor in recognition of the little time left in the 99th Congress. We will be happy to work with the Subcommittee to resolve our concerns regarding the addition of the Delirium and Government Island areas to the bill.

Thank you very much.

STATEMENT OF R. NEIL SAMPSON, EXECUTIVE VICE PRESIDENT, AMERICAN FORESTRY ASSOCIATION

The American Forestry Association, the national citizens organization for trees, forests, and forestry, would like to thank you for the opportunity to share our perspectives on designation of wilderness areas in Michigan and Georgia.

Let me explain at the outset that AFA strongly advocates active, truly multiple-use forest management as a way to protect the long-term health and productivity of our nation's forests. Sound multiple-use management will protect and enhance the wide variety of resources prized by the forestry and conservation community: timber, recreation, fish and wildlife, diverse ecosystems and other commodity and non-commodity forest benefits. Multiple-use management can most assuredly include the wilderness-oriented management of specific forest areas.

AFA maintains that our National Forest System can and should provide a wide variety of outputs that private forest lands will not sufficiently provide in our market economy. The management strategy for National Forests should reflect this distinction. Private lands can and should continue to provide the bulk of our nation's forest products needs, and should be encouraged to provide non-commodity values as well. But wilderness resources, fish and wildlife habitat, extensive recreation, diverse ecosystems, and other non-commodity forest benefits are also uniquely available in our National Forests.

AFA firmly believes that the integrity and productivity of all our forest resources can be adequately protected without official wilderness designation, yet we wholeheartedly support wilderness status for those areas uniquely appropriate for such. Our National Forest System is comprised of 156 unique, special areas that deserve individualized management to address their unique characteristics. Likewise, designation of new wilderness areas needs to be handled in such a way as to accommodate both the unique characteristics of these forests—and the people and communities who know those forests best.

With this philosophy in mind, we have sounded out the opinions and perspectives of a wide variety of AFA members, Directors, and cooperators in Georgia and Michigan. Our testimony reflects both this crucial local judgment and our best thoughts from the perspective of a national forestry organization.

When the people who treasure a national forest most—whose livelihoods and communities are most directly affected by it—can reach agreement among themselves and with the professional land managers charged with stewardship of the forest, AFA believes that we need to pay extra attention to that achievement. When wilderness legislatiion can be crafted to protect the ecological, economic, and social interests of the affected forests, communities and states—we believe that such legislation is worthy of the respect and expedient passage of Congress. Such is the case with the wilderness legislation proposed for the state of Georgia, and AFA therefore supports the passage of this legislation during this 99th Congress.

On the other hand, when a consensus has not yet been reached, and the time and opportunity exists for further study—without jeopardizing important resource values—AFA believes that the wisest choice is to wait, and reassess the situation. Management of our nation's special areas has long been the focus of great controvesy, as anyone familiar with the historical confrontation between Mr. Pinchot and Mr. Muir can attest—and though the controversy will undoubtedly always be with us, we must find a way to achieve conflict resolution and continue the dynamic management of our National Forest resources. Such is the case with the Michigan wilderness legislation, and we would recommend that a binding decision be postponed until additional study and discussion can be held.

TESTIMONY OF MICHAEL D. SCOTT, REPRESENTING THE WILDERNESS SOCIETY

Mr. Chairman, I am Michael Scott, Deputy Director of Conservation for The Wilderness Society. The Wilderness Society is pleased to testify in strong support of S. 2838, legislation to designate almost 42,000 acres of wilderness in the Chattahoochee National Forest in Georgia. We would like to commend Senator's Mack Mattingly and Sam Nunn for their leadership in introducing this important bill.

Let me also take this opportunity to point out to the Committee that Georgia is one of only three remaining states in the South for which comprehensive, state-wide national forest wilderness legislation has not been enacted. The other states in that category and Tennessee and Alabama. We hope that these three bills are enacted this Congress so that this round of state-wide RARE II wilderness legislation in the South will be complete.

The Georgia wilderness bill represents the culmination of many years of study and analysis by the Forest Service and a full decade of hard work by Georgia Wilderness advocates. The six areas designated wilderness in the bill have all been recommended for wilderness by the Forest Service in the final management plan for the Chattachoochee National Forest as amended through settlement of an appeal of the plan by The Wilderness Society and other Georgia and national environmental organizations. If S. 2838 becomes law, about 12 percent of the Chattahoochee National Forest will be designated wilderness. This legislation enjoys broad support throughout Georgia and has no opposition. I am submitting for the record a September 3, 1986 editorial from the Atlanta Constitution which reflects the support this legislation enjoys.

I would like to focus on two issues that are not dealt with by S. 2838. First of all, The Wilderness Society and several Georgia conservation groups are asking to include in this bill wilderness protection for the Blood Mountain roadless area, comprising 10,000 acres in Union and Lumpkin counties; 4,460 foot Blood Mountain is the third tallest peak in the state—it is the highest point and provides the best vista on the Appalachian Trail in Georgia—and received the highest Wilderness Attribute Rating (WARS) of any area not recommended for by the Forest Service. As Rep. Jenkins, the sponsor of companion legislation in the House has indicated, Blood Mountain is a premier Southern Appalachian mountain landscape, and it deserves protection. We would hope the Committee could indicate its support for the preservation of the Wilderness attributes of the Blood Mountain roadless area in its report on S. 2838 as the House did in its report on H.R. 5496 (Georgia Wilderness Act of 1986).

Secondly, we strongly recommend the Committee include language in the report that guarantees continued management and maintenance of the Appalachian Trail through areas designated as wilderness by this legislation. The Trail traverses both the proposed Raven Cliffs and Tray Mountain Wilderness areas. We believe it is essential that Congress indicate, as it has in numerous other committee reports on eastern wilderness bills including the report on H.R. 5496, that the Appalachian Trail and wilderness are indeed compatible. The Wilderness Society believes that traditional management practices along the Trail, including trail marking, trail maintenance, and shelter maintenance should be allowed to continue in areas designated wilderness by S. 2828, and we support Committee report language designed to achieve this goal.

Thank you for the opportunity to testify in support of S. 2828.

[Reprint from the Atlanta Constitution, Sept. 3, 1986]

REP. JENKINS' PRESERVATION BILL WELCOME

Was it the salubrious mountain air? Or was it political pressure from a changing constituency? Something has inspired Rep. Ed Jenkins to draft a wilderness-protection bill. Whatever this mysterious force was, it deserves a hearty welcome.

When Congress returns from its recess, Jenkins will introduce legislation to double protected wilderness in the Chattahoochee National Forest. If the bill becomes law, 42,000 additional acres would be off-limits to logging and development. In all, some 12 percent of the forest would be protected.

The land up for protection includes parts of the Appalachian Trail and some of the state's most breathtaking peaks. To be sure, most of the tracts have felt little pressure so far for timbering or development. Still, the demand for those activities could grow. The Jenkins bill may be viewed as a sort of environmental insurance policy.

It may also reflect a bit of a paradox. In the old days, environmentalists recall, government ownership of land and rules for its use were not viewed favorably in many mountain regions. Some folks believed the feds were crimping their independence. But today, as many mountain regions are being opened to retirees and others, environmental issues are suddenly more important.

For example, retired city folks who are settling in north Georgia may not be eager to see development run amok the way it did back home. Nor are they particularly keen to let the timber-cutters have their way with the woods. Thus, while they contribute to the region's development, they take an active interest in its preservation.

Apparently, Rep. Jenkins has heard the message. The rest of Georgia's congressional delegation should support his measure. They will save more than wilderness—they will preserve an irreplaceable facet of Georgia's charm. That ought to be good politics from Brunswick to Brasstown Bald.

STATEMENT OF G. ROBERT KERR, EXECUTIVE DIRECTOR, THE GEORGIA CONSERVANCY, AND CHAIRMAN, SOUTHERN HIGHLANDS COALITION

S. 2838 PROVIDES FOR

(1) Certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately 8,562 acres, as generally depicted on a map entitled "Raven Cliffs Wilderness—Proposed," and which shall be known as the Raven Cliffs Wilderness; (2) certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately 10,924 acres, as generally depicted on a map entitled "Brasstown Wilderness—Proposed" and which shall be known as Brasstown Wilderness; (3) certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately 9,702 acres, generally depicted on a map entitled "Tray Mountain Wilderness—Proposed," and which shall be known as the Tray Mountain Wilderness; (4) certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately 9,649 acres, generally depicted on a map entitled, "Rich Mountain Wilderness—Proposed," and which shall be known as Rich Mountain Wilderness; and (5) certain lands in the Chattahoochee National Forest, Georgia, which comprise 2,940 acres, as generally depicted on a map entitled, "Cohutta Wilderness addition—Proposed," and which shall be part of the Cohutta Wilderness Area designated by Public Law 93-622.

Mr. Chairman and committee members, thank you for allowing me the privilege to appear before your subcommittee. It is a particular pleasure to speak on behalf of wilderness legislation that is non-controversial. We haven't always been that fortunate when speaking for conservation of Georgia's natural resources. Often the proposed measure was a controversial one. Examples are the Chattahoochee River National Recreation Area and Cumberland Island National Seashore.

Fortunately for Georgians and Georgia's natural resources, members of the Georgia Delegation have been receptive to and strong advocates for rational proposals for resource protection. Senator Nunn and Senator Mattingly have been a great help to us, and we wish to express appreciation to them.

Mr. Chairman, this particular piece of legislation holds tremendous personal satisfaction for me. Each professional in the conservation arena can point to some beginning—some issue—some hot button—some love—something that changed his or her life. For me, it was the mountains of north Georgia and western North Carolina—the Southern Nantahalas of the Blue Ridge, the Appalachians, the oldest mountain range in the world, containing perhaps the largest diversity of plant life in this hemisphere, a rain forest of unexcelled beauty.

The knowledge that these vulnerable and irreplaceable resources were in danger from management practices not well suited to a multiple-use concept caused me to become involved. First, as an ineffective loner, then as a volunteer with The Georgia Conservancy. I managed legislative compaigns in the late 60's and early 70's for candidates sensitive to environmental issues. We fought forest management plans which would degrade these high ridge and erodable soil areas, some of which contain the last remnants of virgin red oak forests in Georgia. At the request of Dr. Rupert Cutler, I helped bring the Eastern RARE-II conference to the University of Georgia. Then in 1978, I gave up a career as a consultant in the computer industry to become the full-time director of The Georgia Conservancy.

Ladies and Gentlemen, I recount all this not to boast, but simply to try to convey my intense feelings for the mountains of Georgia, and for the implementation of multiple-use management concepts, including wilderness, into the National Forests of Georgia.

I was not in the past, nor am I now, alone in those feelings. The twelve-member organizations and individual members of the Southern Highlands Coalition, in response to the RARE-II process, produced a document that is still acclaimed by the Forest Service as perhaps the most thoroughly researched and documented analysis of a National Forest and its wilderness areas submitted to them as part of that roadless area identification process.

At that time, we identified 98,000 acres that should be added to the wilderness system. Mostly these areas are along the Appalachian Trail in Georgia and two adjacent areas in North Carolina.

As we all know, there was tremendous controversy over RARE-II proposals, including violence in some cases.

To the credit of Senators Nunn and Mattingly, Congressman Ed Jenkins, Forest Supervisor Pat Thomas, and the level-headed approach of many individuals on both sides of the wilderness issue, we can not look at adding approximately 42,000 acres to the wilderness system and refer to it as non-controversial. This is in addition to recent legislation that expanded Ellicott's Rock Wilderness Area and created the Southern Nantahala Wilderness Area in North Carolina and Georgia.

This legislation leaves out some areas or designates smaller acreages for some areas that we hold dear and truly believe are worthy of wilderness designation; Blood Mountain is an example. But, Mr. Chairman, it is fair legislation that was nearly 20 years in the writing. I commend the members of our delegation for their leadership, and I urge you to act favorably on S. 2838.

Again, thank you for the opportunity to appear before you to speak on behalf of several organizations and their thousands of members.

STATEMENT OF TIM MAHONEY, ON BEHALF OF SIERRA CLUB AND THE TEXAS COMMITTEE ON NATURAL RESOURCES

Mr. Chairman and members of the Subcommittee, I am Tim Mahoney, Washington Representative of Sierra Club. Today I am pleased to testify for Sierra Club and Texas Committe on Natural Resources in support of S. 2563 and the House-passed H.R. 4865, amending the Texas Wilderness Act.

Sixteen citizen groups, including the Sierra Club and the Texas Committee on Natural Resources, support this bill because it would make the boundaries of the five east Texas wilderness more manageable and would add some key areas that were omitted because of certain factors when the wildernesses were designated in 1984.

As you know, Mr. Chairman, the pattern of land ownership and development in east Texas has complicated the drawing of boundaries of wilderness proposals in the state. Despite the best efforts in dicussions leading to passage of the 1984 legislation, there were private lands intermingled with public forest which were included or excluded and where hindsight suggests it would be better to make a boundary adjustment. Likewise, there are certain natural features which we have advocated for wilderness protection which were not included in the original legislation. These enclaves may be available for acquisition. This package, largely the result of discussion between TCONR and the Forest Service, attempts to address these types of problems and opportunities.

A prime example is the 100-acre private tract on the southeast corner of Upland Island which juts into the wilderness about a half mile and separates it from other Forest Service land for one mile. By acquiring this tract and adding it to wilderness, the Forest Service will be able to extend the wilderness on beyond this tract for 213 more acres. This will complete the protection of a ridge of Longleaf pine upland parkland, a threatened plant community in Texas. Also this addition will straighten a boundary that now contains a blip. The owner is willing to sell at its cost of acquisition, which was reasonable.

Because of strategic adjustments of this nature, this is important to the integrity and value of our five small East Texas wildernesses. We recommend its passage.

Thank you for this opportunity to testify.

II

99TH CONGRESS
2D SESSION

S. 1767

To designate certain public lands in the State of Michigan as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 16 (legislative day, OCTOBER 15), 1985

Mr. LEVIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 26 (legislative day, JUNE 23), 1986

Committee discharged; referred to the Committee on Agriculture, Nutrition, and Forestry

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A BILL

To designate certain public lands in the State of Michigan as wilderness, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Michigan Wilderness Act of 1985".

FINDINGS

SEC. 2. In designating wilderness areas pursuant to this Act, the Congress—

(1) finds, as provided in the Wilderness Act, that such areas—

(A) generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;

(B) have outstanding opportunities for solitude or a primitive and unconfined type of recreation; and

(C) contain ecological, geological, and other features of scientific, educational, and scenic value; and

(2) considers significant the assurances of the Governor of Michigan that he has no intention of seeking more stringent air quality standards which would impinge on development of lands surrounding wilderness areas designated by this Act.

DESIGNATION OF WILDERNESS AREAS

SEC. 3. In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131), the following lands in the State of Michigan are hereby designated as wilderness, and therefore as components of the National Wilderness Preservation System—

(a) "subject to valid existing rights and reasonable access to exercise such rights" certain lands in the Manistee National Forest, comprising approximately two thousand eight hundred and thirty acres as generally depicted on a map entitled "Nordhouse Dunes Wilderness—Proposed", dated October 1985, and which shall be known as the Nordhouse Dunes Wilderness;

(b) certain lands in the Ottawa National Forest, comprising approximately eighteen thousand three hundred and twenty seven acres as generally depicted on a map entitled "Sylvania Wilderness—Proposed", dated October 1985, and which shall be known as the Sylvania Wilderness;

(c) certain lands in the Ottawa National Forest, comprising approximately fifteen thousand six hundred and twenty seven acres as generally depicted on a map entitled "Sturgeon River Gorge Wilderness—Proposed", dated October 1985, and which shall be known as the Sturgeon River Gorge Wilderness;

(d) certain lands in the Hiawatha National Forest, comprising approximately five thousand two hundred and eighty five acres as generally depicted on a map entitled "Rock River Canyon Wilderness—Proposed", dated October 1985, and which shall be known as the Rock River Canyon Wilderness;

(e) certain lands in the Hiawatha National Forest, comprising approximately six thousand and eight acres as generally depicted on a map entitled "Big Island

Lake Wilderness—Proposed", dated October 1985, and which shall be known as the Big Island Lake Wilderness;

(f) certain lands in the Hiawatha National Forest, comprising approximately twelve thousand three hundred and eighty eight acres as generally depicted on a map entitled "Mackinac Wilderness—Proposed", dated October 1985, and which shall be known as the Mackinac Wilderness;

(g) certain lands in the Hiawatha National Forest, comprising approximately three thousand nine hundred and forty nine acres as generally depicted on a map entitled "Horseshoe Bay Wilderness—Proposed", dated October 1985, and shall be known as the Horseshoe Bay Wilderness;

(h) certain lands in the Hiawatha National Forest, comprising approximately three hundred and seventy eight acres as generally depicted on a map entitled "Round Island Wilderness—Proposed", dated October 1985, and which shall be known as the Round Island Wilderness; and

(i) certain lands in the Ottawa National Forest, comprising approximately sixteen thousand eight hundred and sixty eight acres as generally depicted on a map entitled "McCormick Wilderness—Proposed", dated October 1985, and which shall be known as the McCormick Wilderness.

DESCRIPTION AND MAPS

SEC. 4. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 5. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas except that with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

RARE II REVIEW

SEC. 6. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Michigan and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Michigan; such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Michigan;

(2) with respect to the National Forest System lands in the State of Michigan which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands

by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Michigan reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Michigan are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Michigan for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Michigan which are less than five thousand acres in size.

NONWILDERNESS ACTIVITIES

SEC. 7. Congress does not intend that designation of wilderness areas in the State of Michigan lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness.

HUNTING, FISHING, AND TRAPPING

SEC. 8. As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to wildlife and fish in the national forests in Michigan.

INHOLDERS RIGHTS

SEC. 9. As provided in section 5 of the Wilderness Act—

(1) owners of private lands within any area designated by this Act shall be assured the right of adequate access; and

(2) no privately owned lands within any area designated by this Act may be acquired without concurrence of the owner of such lands.

FIRE, INSECTS, AND DISEASE CONTROL

SEC. 10. As provided in section 4(d)(1) of the Wilderness Act, the Secretary may take such measures as may be necessary to control fire, insects, and diseases within any area designated by this Act.

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II

99TH CONGRESS
1ST SESSION

H. R. 148

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18 (legislative day, SEPTEMBER 16), 1985

Received; read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

AN ACT

To designate certain public lands in the State of Michigan as wilderness, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Michigan Wilderness Heritage Act of 1985".

SEC. 2. In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131), the following lands in the State of Michigan are hereby designated as wilderness, and therefore as components of the National Wilderness Preservation System—

(a) "subject to valid existing rights and reasonable access to exercise such rights" certain lands in the Manistee National Forest, comprising approximately three thousand acres as generally depicted on a map entitled "Nordhouse Dunes Wilderness—Proposed", dated July 1985, and which shall be known as the Nordhouse Dunes Wilderness;

(b) certain lands in the Ottawa National Forest, comprising approximately eighteen thousand three hundred twenty five acres as generally depicted on a map entitled "Sylvania Wilderness—Proposed", dated July 1985, and which shall be known as the Sylvania Wilderness;

(c) certain lands in the Ottawa National Forest, comprising approximately fourteen thousand eight hundred and fifty acres as generally depicted on a map entitled "Sturgeon River Gorge Wilderness—Proposed", dated July 1985, and which shall be known as the Sturgeon River Gorge Wilderness;

(d) certain lands in the Hiawatha National Forest, comprising approximately five thousand acres as generally depicted on a map entitled "Rock River Canyon Wilderness—Proposed", dated July 1985, and which shall be known as the Rock River Canyon Wilderness;

(e) certain lands in the Hiawatha National Forest, comprising approximately five thousand five hundred acres as generally depicted on a map entitled "Big Island Lake Wilderness—Proposed", dated July 1985, and which shall be known as the Big Island Lake Wilderness;

(f) certain lands in the Hiawatha National Forest, comprising approximately twelve thousand four hundred acres as generally depicted on a map entitled "Mackinac Wilderness—Proposed", dated July 1985, and which shall be known as the Mackinac Wilderness;

(g) certain lands in the Hiawatha National Forest, comprising approximately three thousand nine hundred acres as generally depicted on a map entitled "Horseshoe Bay Wilderness—Proposed", dated July 1985, and shall be known as the Horseshoe Bay Wilderness;

(h) certain lands in the Hiawatha National Forest, comprising approximately twelve thousand acres as generally depicted on a map entitled "Delirium Wilderness—Proposed", dated July 1985, and which shall be known as the Delirium Wilderness;

(i) certain lands in the Hiawatha National Forest, comprising approximately two hundred and fourteen acres as generally depicted on a map entitled "Les Cheneaux Wilderness—Proposed", dated July 1985, and which shall be known as the Les Cheneaux Wilderness;

(j) certain lands in the Hiawatha National Forest, comprising approximately three hundred and seventy-seven acres as generally depicted on a map entitled "Round Island Wilderness—Proposed", dated July 1985, and which shall be known as the Round Island Wilderness;

(k) certain lands in the Ottawa National Forest, comprising approximately sixteen thousand eight hundred and fifty acres as generally depicted on a map entitled "McCormick Wilderness—Proposed", dated July 1985, and which shall be known as the McCormick Wilderness.

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 4. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas except that with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Michigan and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Michigan; such statement shall not be subject to judicial review

with respect to National Forest System lands in the State of Michigan;

(2) with respect to the National Forest System lands in the State of Michigan which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Michigan reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon en-

actment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Michigan are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Michigan for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Michigan which are less than five thousand acres in size.

SEC. 6. Congress does not intend that designation of wilderness areas in the State of Michigan lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness.

SEC. 7. As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to wildlife and fish in the national forests in Michigan.

Passed the House of Representatives September 17, 1985.

Attest: BENJAMIN J. GUTHRIE,
Clerk.

II

99TH CONGRESS
2D SESSION

S. 2563

To adjust the boundaries of areas of the National Wilderness Preservation System in the State of Texas.

IN THE SENATE OF THE UNITED STATES

JUNE 17 (legislative day, JUNE 16), 1986

Mr. BENTSEN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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A BILL

To adjust the boundaries of areas of the National Wilderness Preservation System in the State of Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be known as the "Texas Wilderness Act Amendments of 1986".

SEC. 2. BOUNDARY ADJUSTMENT.

(a) BOUNDARIES.—The boundaries of the wilderness areas designated by the Texas Wilderness Act are modified as shown on the maps entitled "Texas Wilderness Boundary Changes", numbered 1–5, dated April 1986.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, lands designated as wilderness by subsection (a) shall be included within the national forest system and administered in accordance with the laws and regulations applicable to national forest wilderness areas, including the provisions of the Wilderness Act (16 U.S.C. 1131–1136) and the Texas Wilderness Act of 1984 (Public Law 98–574). In areas added to the national wilderness system by this Act, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

SEC. 3. MAPS AND BOUNDARIES.

As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and legal descriptions of each wilderness area affected by this Act, incorporating the boundary modifications referred to in section 2(a) of this Act, with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

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II

99TH CONGRESS
2D SESSION

S. 2838

To designate certain National Forest System lands in the State of Georgia to the National Wilderness Preservation System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19 (legislative day, SEPTEMBER 15), 1986

Mr. MATTINGLY (for himself and Mr. NUNN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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A BILL

To designate certain National Forest System lands in the State of Georgia to the National Wilderness Preservation System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Georgia Wilderness Act of 1986".

SEC. 2. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131–1136), the following lands in the State of Georgia are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(a) certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately eight thousand five hundred and sixty-two acres, as generally depicted on a map entitled "Raven Cliffs Wilderness—Proposed", dated September 1986, and which shall be known as the Raven Cliffs Wilderness;

(b) certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately ten thousand nine hundred and twenty-four acres, as generally depicted on a map entitled "Brasstown Wilderness—Proposed", dated 1986, and which shall be known as the Brasstown Wilderness;

(c) certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately nine thousand seven hundred and two acres, as generally depicted on a map entitled "Tray Mountain Wilderness—Proposed", dated 1986, and which shall be known as the Tray Mountain Wilderness;

(d) certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately nine thousand six hundred and forty-nine acres, as generally depicted on a map entitled "Rich Mountain Wilderness—Proposed", dated 1986, and which shall be known as the Rich Mountain Wilderness; and

(e) certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately two thousand nine hundred and forty acres, as generally depicted on a map entitled "Cohutta Wilderness addition—Proposed", dated   1986, and which is hereby incorporated in and shall be part of the Cohutta Wilderness as designated by Public Law 93-622.

SEC. 3. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Services, Department of Agriculture.

SEC. 4. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the

Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

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